

CHAPTER 23

Motions

A. Introductory

- § 1. In General
- § 2. Offering, Modifying, and Withdrawing Motions;
Form
- § 3. Precedence of Motions
- § 4. Dilatory Motions

B. Motions to Postpone

- § 5. In General
- § 6. When in Order
- § 7. Postponement to a Day Certain
- § 8. Postponement for Indefinite Period

C. Motions to Lay on the Table

- § 9. In General; Application and Effect
- § 10. Offering Motion
- § 11. When in Order
- § 12. As Related to Other Motions; Precedence
- § 13. Taking From the Table

D. Motions for the Previous Question

- § 14. In General
- § 15. Effect of Ordering Previous Question
- § 16. Offering Motion; Who May Offer
- § 17. Rights of Proponent of Motion
- § 18. Time for Motion
- § 19. Relation to Other Matters

Commentary and editing by Alan Scott Frumin, J.D.

- § 20. Relation to Other Motions
- § 21. Debate
- § 22. Rejection of Motion as Permitting Further Consideration
- § 23. Rejection of Motion as Affecting Recognition
- § 24. Effect of Adjournment

E. Motions to Refer or Recommit

- § 25. In General
- § 26. Purpose and Effect
- § 27. Priorities in Recognition
- § 28. Offering the Motion; Procedure
- § 29. Time for Motion
- § 30. Debating the Motion
- § 31. As Related to Other Motions; Precedence
- § 32. Motions to Recommit With Instructions

F. Motions to Reconsider

- § 33. In General
- § 34. Purpose and Effect; Pro Forma Motion
- § 35. Who May Offer; Calling Up
- § 36. Withdrawing the Motion
- § 37. Requirement for a Quorum
- § 38. As Related to Other Motions
- § 39. Scope and Application of Motion
- § 40. Precedence of Motion
- § 41. Debate on Motion

G. Unanimous-consent Requests

- § 42. In General; Effect
- § 43. Stating the Request; Withdrawal
- § 44. Recognizing Members for Requests
- § 45. Objecting to Requests
- § 46. Reservation of Objection
- § 47. Scope and Application of Request
- § 48. Limitations on Requests

INDEX TO PRECEDENTS

- Adjournment, effect of, after previous question ordered, § 24.2**
- Adjournment, effect of, when previous question is moved on Calendar Wednesday, § 24.1**
- Adjourn sine die, resolution to, as subject to motion to table, § 9.10**
- Conference report as subject to amendment after defeat of previous question, § 22.15**
- Conference report, divisibility of motion to recommit with instructions, §§ 25.12, 32.30**
- Conference report, motion to recommit, after previous question, § 30.6**
- Conference report, motion to recommit as subject to amendment, §§ 22.16**
- Conference report, time for motion to recommit, §§ 29.7, 29.8**
- Consent Calendar, bill on, as subject to motion to table, § 9.13**
- Delay, intent to, as basis for holding motion dilatory, § 4.2**
- Dilatory motion, discretion of Chair as to, §§ 4.1, 4.4**
- Dilatory, time for point of order that a motion is, § 4.8**
- Discharge committee, motion to, as subject to motion to table, §§ 9.15, 9.16**
- Discharge, resolution brought up under motion to, § 14.12**
- Dispense with further proceedings under a call, motion to, as subject to motion to table, §§ 9.26, 12.4**
- Division, demand for, as dilatory, § 4.7**
- Impeachment, resolution of, as subject to motion to table, § 9.14**
- Inquiry, resolutions of, and the motion to table, §§ 9.17–9.19**
- Instruct conferees, motion to, as subject to motion to table, §§ 9.7–9.9**
- Instructions, motion to recommit with**
- amendment of, §§ 32.2, 32.3
 - amendment rejected in Committee of the Whole, § 32.22
 - committee, instructions to, §§ 32.10, 32.11, 32.16
 - conference report, §§ 32.29–32.31
 - divisibility, §§ 25.12, 32.29
 - “forthwith,” report back, §§ 32.23–32.28
 - germaneness, requirement of, §§ 32.5–32.8, 32.15
 - modifying amendment in the nature of a substitute, §§ 32.20, 32.21
 - modifying amendment previously agreed to, §§ 32.17–32.21
 - not to report back until occurrence of a condition, § 32.12
 - precedence, § 32.1
 - propriety of, determined by Speaker, § 32.13
- Majority, right to offer motion to reconsider, § 35.1**
- Modifications of motions, § 1**
- Motion to strike out last word to explain motion to recommit, § 25.10**
- Order of business, motions relating to as subject to motion to table, §§ 9.27, 9.28**
- Point of order against motion to recommit, time for, §§ 25.3, 30.3**
- Point of order on amendment reported from Committee of the Whole, after ordering of previous question, § 15.21**
- Point of order, second motion to recommit after first ruled out on, § 32.14**

Postpone consideration of privileged resolution, unanimous consent to, § 47.8**Postpone indefinitely, resolution to, § 8.1****Postpone, motion to**

discharge committee, motion to, § 6.4
 previous question ordered, effect of, § 6.1
 resolution of disapproval, § 6.3
 veto message, consideration of, §§ 6.2, 7.1–7.3

Previous question considered as ordered, as barring substitute amendment, § 15.15**Previous question, motion for**

administration of House oath, as related to, § 19.3
 applicable in House prior to adoption of rules, § 14.1
 debate, 40 minutes of, after ordering, §§ 21.2–21.6
 debate on, not in order, § 21.1
 demand for, effect of, on amendments, §§ 15.3–15.6
 demand for, effect of, on debate, §§ 15.1, 15.2
 divisibility of, § 14.3
 effect of, §§ 15.7, et seq.
 effect of, on amendment to resolution, §§ 15.10, 15.11
 effect of, on amendment to special rule, § 15.14
 effect of, on amendments between the Houses, § 15.8
 effect of, on bills reported from Committee of the Whole, §§ 15.16, 15.17
 effect of, on motion that House resolve into Committee of the Whole, § 15.20
 effect of, on motion to recommit, § 15.23
 effect of, on motion to reconsider, § 15.9
 effect of, on motion to strike out enacting clause, § 15.13

Previous question, motion for—Cont.

effect of, on point of order on amendment reported from Committee of the Whole, § 15.21
 in Committee of the Whole, §§ 14.8, 14.9
 in House as in Committee of the Whole, § 14.10
 Member controlling debate may offer, § 16.1
 Member recognized to debate amendment may not be removed from floor by, § 20.7
 Member yielding floor for amendment and right to move, §§ 16.2–16.4
 Member yielding floor for debate recognized to move, § 16.5
 preamble of resolution, applicable to, § 14.7
 precedence of, relative to amendment to motion to instruct conferees, § 20.5
 precedence of, relative to amendment to motion to recommit, § 20.4
 precedence of, relative to motion to amend, §§ 18.3, 20.2, 20.3
 precedence of, relative to motion to amend Journal, § 20.6
 priority of, relative to amendment to resolution, § 19.2
 private bills, application to, § 14.5
 rejection of motion, effect of, as permitting amendment of resolution, § 22.10
 rejection of motion, effect of, as subjecting concurrent resolution to amendment, § 22.8
 rejection of motion, effect of, on motion to concur, § 22.14
 rejection of motion, effect of, on motion to instruct conferees, § 22.12
 rejection of motion, effect of, on motion to recede and concur with amendment, § 22.13

Previous question, motion for—Cont.

- rejection of motion, effect of, on recognition, §§ 23.1–23.8
- rejection of motion, effect of, on Rules Committee resolution, §§ 22.5–22.7
- rejection of motion, effect of, prior to adoption of rules, §§ 22.1, 23.3–23.5, 23.8
- rejection of motion, effect on debate of conference report, § 22.15
- relative to motion to table, § 20.1
- renewing the motion, §§ 14.4, 22.17
- rights of moving Member relative to question of personal privilege, § 17.2
- scope of motion, § 14.2
- suspend the rules, motion to not subject to previous question, § 14.11
- time fixed for debate, offer of motion during, § 18.1
- unanimous-consent request, relation to, §§ 14.13, 14.14, 15.18

Privilege, motion having higher, put first, § 3.1**Privileges of the House, resolution pertaining to, as subject to motion to table, § 9.25****Proponent of motion to recommit, yielding for amendment after debate, § 30.2****Recommit, motion to**

- amendment of, §§ 25.1, 25.2
- application to amendment reported in disagreement by conferees, § 26.19
- bill on Consent Calendar, § 26.14
- conference report, motion to recommit, § 30.6
- debate, time for, §§ 30.1, 30.5
- election contest resolution, § 26.3
- engrossment and third reading, time for motion after, § 29.1
- floor manager of measure, recognition to offer, § 27.26
- majority member opposed to measure, recognition to offer, § 27.25

Recommit, motion to—Cont.

- Member favoring measure, recognition to offer, § 27.13
- member of committee reporting measure, recognition to offer, §§ 27.18–27.23
- Member opposed to measure “in its present form,” recognition to offer, §§ 27.8, 27.9, 27.17, 27.22
- Member opposed to some features of the measure, recognition to offer, § 27.7
- Member opposed without reservation, recognition to offer, §§ 27.10, 27.11
- minority opinion, expression of, relative to, § 26.1
- minority preference, in recognition to offer, §§ 27.15–27.20, 27.22
- modify amendment previously agreed to, §§ 26.17, 26.18
- motion made after announcement of result of vote, § 29.6
- motion made after yeas and nays ordered on passage, § 29.5
- precedence as between straight motion and motion with instructions, § 31.2
- precedence of amendment to motion, and motion for previous question, § 31.1
- prerogative of Speaker in recognizing to offer, § 27.1
- previous question, time for motion after, §§ 29.4, 29.7
- privileged resolution from Committee on Rules, § 25.11
- proponent of amendment to, as opposed to measure to be recommitted, § 27.14
- recognizing minority members in order of seniority, § 27.20
- reference to committee, §§ 25.4, 25.5
- resolution certifying contumacious conduct, § 26.13

Recommit, motion to—Cont.

- second motion after first motion ruled out of order, § 25.7
- special order, effect of, §§ 25.8, 25.9, 26.5
- time for motion as to conference report, §§ 29.7, 29.8
- use of, to instruct House committee, § 26.2
- written, requirement that motion be, § 28.1

Recommitted by unanimous consent
bill on Private Calendar, 026.15**Recommittal of bill improperly reported to House, §§ 26.11, 26.12****Recommittal of funding resolution, § 26.16****Recommitted conference report, status of, §§ 26.8–26.10****Reconsider, motion to**

- calling up, § 35.5
- Committee of the Whole, not in order in, §§ 38.6, 39.10–39.13
- committee, use in, §§ 39.1, 39.2
- debate on, §§ 38.7, 41.1, 41.2
- laid on table, §§ 34.1, 34.2
- majority, prerogative of, § 35.1
- point of order against, timeliness of, § 35.4
- question of consideration, not in order on, § 39.14
- quorum, when required, § 37.1
- recapitulation, demand for, relative to, § 40.1
- second motion after consideration of first, §§ 39.15, 39.16
- Senate, §§ 39.8, 39.9
- table, motion to, as related to, §§ 38.1–38.4
- tabling of motion, as precluding second motion to reconsider, § 34.5
- unanimous consent to table, § 34.4
- unanimous consent to vacate tabling of, § 38.5

Reconsider, motion to—Cont.

- withdrawal of, § 36.1

Reconsider vote on, motion to

- conference report, § 39.4
- expunging speech from Congressional Record, § 39.7
- House bill, in Senate, § 39.8
- motion to recommit, §§ 39.5, 39.6
- motion to table, § 39.3

Rereading of motion, §§ 2.4, 2.5**Rerefer bill, motion to, as subject to motion to table, § 9.12****Rules, Committee on, resolution from, as subject to amendment, §§ 22.5, 22.6****Rules, Committee on, resolution from, as subject to motion to table, §§ 9.21–9.24****Senate, message from, after ordering of previous question, § 19.4****Senate, motion to recommit with instructions in, §§ 32.32, 32.33****Statement of motion by Chair as governing, § 2.3****Strike out enacting clause, motion to, after previous question ordered, § 15.13****Strike out enacting clause, motion to, pending report of committee pursuant to motion to recommit, § 32.26****Suspend the rules, motion to not subject to previous question, § 14.11****Table, motion to lay on**

- appeal of decision of Chair, §§ 9.3, 9.4
- Committee of the Whole, use in, §§ 9.29, 9.30
- debate, before Member recognized for, §§ 11.1, 11.2
- debate on, in Senate, § 9.31
- debate on, not allowed, § 9.6
- dispensing with further proceedings under a call, as related to, § 12.4

Table, motion to lay on—Cont.

- effect of, as adverse disposition of measure, § 9.1
- order of business, as related to, §§ 9.27, 9.28
- previous question, precedence of, relative to, §§ 12.1–12.3
- question of consideration, raising, after, § 9.20
- recommit, motion to, as related to, § 12.5
- reorganization plan, motion to consider, not subject to motion to table, § 11.3
- take from table by unanimous consent, §§ 13.1, 13.2
- unanimous consent to take from the table, §§ 13.1, 13.2
- written, demand that motion be, timeliness of, § 10.1

Unanimous-consent requests

- alternative request, § 43.2
- Committee of the Whole, extension of remarks in, § 48.16
- Committee of the Whole, to correct section numbers of bill in, § 48.15
- Consent Calendar, consideration of bills not on, § 48.9
- leadership, approval of, prior to making, § 44.1
- legislative business, after announcement regarding schedule of, §§ 48.6, 48.7
- motion to suspend the rules, recognition to make, pending, Sec. 44.3
- multiple requests, § 48.1
- Private Calendar, bills on, relation to, §§ 48.8, 48.9
- recognition for, Speaker's discretion, §§ 45.4, 48.3
- rerefer, motion to, to permit debate on, § 47.7
- reservation of right to object and demand for regular order, Sec. 46.5, 46.6

Unanimous-consent requests—Cont.

- reservation of right to object to, §§ 46.1, 46.2
- second request pending first request, § 48.1
- Speaker prohibited from entertaining certain §§ 47.5, 47.6
- statement by Chair governs, § 43.1
- withdrawal of, § 46.4
- yeas and nays, after ordering of, § 48.14

Unanimous-consent requests, objection to

- after Chair announces that he hears none, § 45.3
- before request put by Chair, § 45.2
- by Chair, § 45.5
- effect of, § 45.6
- Member making must rise from seat, § 45.1

Unanimous-consent requests, purpose of

- address House on future days, § 48.12
- amend after previous question ordered, § 48.13
- amend amendment, § 47.3
- call up nonprivileged resolution, § 47.4
- close debate on unread titles, § 47.1
- committee may sit while House reads bills for amendment, Sec. 48.2
- committee voting record of Member be inserted in Record, Sec. 47.11
- debate motion to rerefer, § 47.7
- delete words taken down, § 47.10
- dispense with reading of amendment, § 47.2
- extend remarks in Committee of the Whole, § 48.16
- modify words taken down, § 47.9
- postpone consideration of privileged resolution, § 47.8
- produce committee documents, § 48.4
- revoke special order, § 48.11

Ch. 23

DESCHLER'S PRECEDENTS

Unanimous-consent requests, purpose of—Cont.

take bill with Senate amendment from Speaker's table, § 44.2

waive requirements of rules, §§ 47.5, 47.6

Vacate proceedings, unanimous-consent request to, §§ 38.5, 38.6

Veto message

motion to discharge, tabling of, § 9.15

Veto message—Cont.

motion to postpone consideration of, §§ 6.2, 7.1–7.3

motion to table, § 9.5

Withdrawal of motion, §§ 1, 2.6–2.8

Withdrawal of motion after yeas and nays ordered, § 2.9

Withdrawal of motion in Committee of the Whole, § 2.10

Written, motions must be, upon demand of Member, § 2.1

Motions

A. INTRODUCTORY

§ 1. In General

The term “motion” refers generally to any formal proposal made before a deliberative assembly. This chapter covers the general and more frequently used motions, which are often referred to as secondary motions. Secondary motions are those motions that are used to dispose of the main proposition under consideration. The motion to adjourn (including the motion to adjourn to a day certain) which enjoys the highest privilege in the House, and certain procedural motions, such as the motion to discharge a committee, and the motion to suspend the rules, are treated in other chapters in this work.⁽¹⁾

Secondary motions are dependent on a main question or proposition for their existence and

therefore may be offered only when a question is under consideration or debate.⁽²⁾

All motions must conform to all procedural requirements set forth in the House rules. Thus, a Member offering a motion must rise to his feet and address the Chair; and a motion must be reduced to writing when so demanded by a Member.⁽³⁾

A motion may be withdrawn in the House or in the House as in Committee of the Whole as a matter of right unless the House has taken some action thereon, such as ordering the yeas and nays, or demanding or ordering of the previous question, or adopting an amendment thereto.⁽⁴⁾ Withdrawal of a motion in the Committee of the Whole generally requires unanimous consent.⁽⁵⁾

Under the current practice of the House, after a motion is for-

1. See Ch. 18 (Motions to Discharge Committees), Ch. 21 (Motions to Suspend the Rules), *supra*; and Ch. 27 (Motions to Strike, and to Strike Out and Insert), Ch. 32 (Motions regarding House-Senate Relations), Ch. 33 (Motions to Instruct House conferees), and Ch. 40 (Motions to Adjourn), *infra*.

2. Rule XVI clause 4, *House Rules and Manual* § 782 (1981).

3. Rule XVI clause 1, *House Rules and Manual* § 775 (1981).

4. See Rule XVI clause 2, *House Rules and Manual* § 776 (1981).

5. See § 2.10, *infra*.

mally pending all modifications of the motion, if in order at all, must be approved by the House. There is one narrow exception to this general principle, discussed in more detail in Chapter 21, section 28, *supra*, where a resolution is offered as a question of privilege and can be withdrawn by the offeror at any time before action is taken thereon and again offered as privileged immediately thereafter. Precedent⁽⁶⁾ indicates that in that context the offeror can accept certain “friendly amendments” or modifications of his resolution without the concurrence of the House. This simply reflects the unique circumstances which adhere to a resolution raising a question of privilege: the resolution can be withdrawn at will, modified and resubmitted if still privileged, and the House has recognized the right of the proponent to modify the resolution while it is pending.

In most cases, however, the right of withdrawal and resubmission in a modified form does not exist. A resolution, if a privileged report, may not be modifiable except by direction of the reporting committee or with concurrence of the House. In the case of a motion, the proponent may not be guaranteed the right to imme-

diately reoffer the motion, especially where it is a secondary motion under Rule XVI clause 4⁽⁷⁾ which may properly be offered only at certain times, as when a main question is pending. Thus, while an amendment to a motion pending in the House may be withdrawn by the Member offering the amendment before it is acted upon, he is not guaranteed the right to reoffer that amendment, and therefore he does not have the right to modify the amendment without the consent of the House. In the Committee of the Whole amendments can be withdrawn only by unanimous consent, so the doctrine of modification is never applicable in that forum. Other secondary motions to postpone to a day certain or to refer, while susceptible to modification, and capable of withdrawal prior to action thereon, may for the same reason not be modified without the consent of the House. The other secondary motions specified under Rule XVI clause 4 are not susceptible to modification—such as the motions to lay on the table, for the previous question, and to postpone indefinitely. The motion to adjourn to a day and time certain is only in order at the Speaker’s dis-

6. See 5 Hinds’ Precedents §5358.

7. *House Rules and Manual* §782 (1981).

cretion and is therefore subject to modification by the offeror only with the consent of the House.

Effect of House Agreement to Motion

§ 1.1 Where a motion not in order under the rules of the House is, without objection, considered and agreed to, it controls the procedure of the House until carried out, unless the House takes affirmative action to the contrary.

On the legislative day of Oct. 8, 1968,⁽⁸⁾ the House had continued into the next calendar day due to 33 quorum calls, the effect of which had been to delay the reading and approval of the Journal. After Mr. Carl Albert, of Oklahoma, moved still another call of the House, a Member moved that those not present be sent for and compelled to remain present until the completion of pending business:

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, as part of the motion of a call of the House, I further move under rule II,⁽⁹⁾ under which a call of

the House is in order, that a motion be made for the majority here that those who are not present be sent for wherever they are found and returned here on the condition that they shall not be allowed to leave the Chamber until such time as the pending business before this Chamber on this legislative day shall have been completed.

THE SPEAKER:⁽¹⁰⁾ The question is on the motion offered by the gentleman from Washington (Mr. Adams).

The motion was agreed to.

The Clerk proceeded to call the roll.

MR. [LESTER L.] WOLFF [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The Chair will state to the gentleman from New York that there is a quorum call underway and it cannot be interfered with.

MR. WOLFF: Mr. Speaker, I make a point of order on the quorum call.

THE SPEAKER: The gentleman makes a point of order?

MR. WOLFF: Yes, Mr. Speaker. The doors are not locked.

THE SPEAKER: The Sergeant at Arms will lock the doors, and the Clerk will call the roll.

The Clerk called the roll. . . .

THE SPEAKER: On this rollcall 222 Members have answered to their names, a quorum.

MR. ALBERT: Mr. Speaker, I move that further proceedings under the call be dispensed with.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma.

The motion was agreed to. . . .

MR. [WILLIAM E.] BROCK [3d, of Tennessee]: Mr. Speaker, a parliamentary inquiry.

8. 114 CONG. REC. 30212-14, 90th Cong. 2d Sess., Oct. 9, 1968 (Calendar Day). For a further discussion of quorum calls, see Ch. 20, *supra*.

9. Mr. Adams apparently intended to cite clause 2 of Rule XV, not Rule II.

10. John W. McCormack (Mass.).

THE SPEAKER: The gentleman will state it.

MR. BROCK: Am I to understand, if further proceedings under the call have been dispensed with, according to the last motion, it is correct that the doors of the House are now open?

THE SPEAKER: The Chair is awfully glad the gentleman made that parliamentary inquiry, because the Chair intended to read for the benefit of the Members the motion made by the gentleman from Washington [Mr. Adams]:

Mr. Speaker, as a part of the motion of a call of the House, I further move under rule II, under which a call of the House is in order, that a motion be made for the majority here that those who are not present be sent for wherever they are found and returned here on the condition that they shall not be allowed to leave the Chamber until such time as the pending business before this Chamber on this legislative day shall have been completed.

The motion was adopted; and in accordance with that motion no Member can leave the Chamber until the pending business before the House has been disposed of; and the pending business is the reading and approval of the Journal of the preceding session.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GERALD R. FORD: Let me repeat the language of the motion of the gentleman from Washington:

That a motion be made for the majority here that those who are not present be sent for wherever they are found and returned here on the condition that they shall not be allowed to leave the Chamber until

such time as the pending business before this Chamber on this legislative day shall have been completed.

Mr. Speaker, I respectfully argue that in the language used by the gentleman from Washington in the motion that he made, he says very specifically and very categorically that those who are not here are the ones who must be kept in the Chamber.

MR. [JOHN D.] DINGELL (of Michigan): Mr. Speaker, I demand the regular order.

THE SPEAKER: The regular order is that the gentleman is making a parliamentary inquiry.

MR. GERALD R. FORD: And I am indicating, Mr. Speaker, in my parliamentary inquiry, that the doors to the Chamber shall not be closed to those Members who were here at the time of the call for the quorum.

THE SPEAKER: The Chair, in response to the parliamentary inquiry of the distinguished minority leader, feels in construing the motion, that a part of the construction is the happenings of the last 10 or 12 or more hours and the intent and purpose of the gentleman from Washington in making the motion.

It seems to the Chair, in response to the parliamentary inquiry—and the Chair makes such a response—that the motion offered by the gentleman from Washington (Mr. Adams) meant that any Member who answered the last quorum call cannot leave the Chamber until the pending business has been disposed of; and the doors will be kept closed.

The Chair might observe in relation to any future points of order that a quorum is not present that apparently

a quorum is present because the last one disclosed 222 Members and the Chair is justified in assuming that the 222 Members are still here. The doors will remain locked until the present business is disposed of.

MR. BROCK: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BROCK: Is it not so that the rules of the House provide for the highly unusual procedure of calling in absent Members only in the case of the establishment of a nonquorum? Is that not true? And was the motion not illegal and improper on its face, having been made prior to the establishment of no quorum?

THE SPEAKER: The Chair will observe that we can always attempt to have Members attend who are not present at this time or actually in the Chamber at some particular time. Further, the Chair might also observe that every effort is being made on the Democratic side in connection with notifying Members of the situation that has existed for the past 12 or so hours.

MR. BROCK: But the parliamentary inquiry, Mr. Speaker, was to the question of whether or not the motion was in fact outside the normal rules of the House.

MR. ALBERT: Mr. Speaker, will the Chair yield?

THE SPEAKER: Does the gentleman from Oklahoma desire to be heard on the parliamentary inquiry of the gentleman from Tennessee?

MR. ALBERT: The gentleman from Oklahoma would only suggest if a point of order would have been eligible as against the motion made by the dis-

tinguished gentleman from Washington, it certainly has come too late in view of the action of the House.

THE SPEAKER: The Chair will state without passing on the question as to whether or not a point of order would lie if made at the proper time when the gentleman from Washington made his motion, that after the motion had been adopted no point of order was made. Therefore, the motion expressing the will of the majority of the Members present will be adhered to.

Does the gentleman from Ohio have a point of order?

MR. [ROBERT] TAFT [Jr., of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TAFT: As has just been pointed out by the gentleman from Tennessee, the provisions for restricting the freedom of Members under the House rules is solely under the rules relating to a situation in which there is no quorum, I believe. My inquiry is this: If the House attempts in any other circumstances, circumstances not necessary to the business of the House, to restrict the freedom of the Members to pass in or out of the Chamber or anywhere else that they care to pass, do they not under the Constitution and the laws of the United States constitute a violation of the civil liberties of the Members?

THE SPEAKER: The Chair could observe that there are civil liberties of others involved. The House has acted. A majority of the House has spoken for this motion and, without getting into any long discussion, the motion on the pending business which is before the House is binding on the Speaker and the Members of the House.

Effect of Defeat of Essential Motion

§ 1.2 When an essential motion made by the Member in charge of a bill or resolution is decided adversely the right to prior recognition passes to the Member leading the opposition to the motion.

On Feb. 20, 1952,⁽¹¹⁾ James P. Richards, of South Carolina, Chairman of the Committee on Foreign Affairs, offered House Resolution 514, dealing with agreements or understandings between the President of the United States and the Prime Minister of Great Britain. The following took place:

MR. RICHARDS: Mr. Speaker, I move that the resolution be laid on the table.
...

THE SPEAKER:⁽¹²⁾ ... The question is on the motion of the gentleman from South Carolina.

The question was taken, and the Speaker announced that the noes appeared to have it.

MR. RICHARDS: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 184, not voting 97. ...

11. 98 CONG. REC. 1205–07, 1215, 1216, 82d Cong. 2d Sess.

12. Sam Rayburn (Tex.).

So the motion was rejected. ...

MR. [JOHN M.] VORYS [of Ohio]: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from Ohio rise?

MR. VORYS: Mr. Speaker, I ask for recognition on the resolution, House Resolution 514.

THE SPEAKER: The gentleman is recognized for 1 hour.

MR. RICHARDS: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. VORYS: Gladly.

MR. RICHARDS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RICHARDS: Would the Speaker explain the parliamentary situation as to who is in charge of the time?

THE SPEAKER: The gentleman from Ohio is in charge of the time, the gentleman being with the majority in this instance, and on that side of the issue which received the most votes. The gentleman from Ohio is recognized.⁽¹³⁾

§ 2. Offering, Modifying, and Withdrawing Motions; Form

Oral or Written Motions

§ 2.1 Every motion must be reduced to writing on demand of any Member.

On July 23, 1942,⁽¹⁴⁾ the House was considering H.R. 7416, absen-

13. See also 72 CONG. REC. 9912–14, 71st Cong. 2d Sess., June 2, 1930.

14. 88 CONG. REC. 6561, 77th Cong. 2d Sess.

tee voting in time of war by members of the armed forces. The following took place:

MR. [JOHN E.] RANKIN of Mississippi: Mr. Chairman, I move to strike out the enacting clause and ask unanimous consent that I may proceed for 5 additional minutes.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Chairman, I make the point of order that the gentleman is not complying with the rule and presenting his motion in writing.

THE CHAIRMAN:⁽¹⁵⁾ The rule requires that such a motion must be in writing.⁽¹⁶⁾

Modifying Motion to Conform to Rules

§ 2.2 The Chairman of the Committee of the Whole pointed out that a motion before the Committee was not in proper form and then, when the proponent of the motion had modified it to conform to the rules, put the question thereon.

On Dec. 12, 1969,⁽¹⁷⁾ the House was considering H.R. 12321, economic opportunity amendments of 1969. A motion to close debate was then made:

MR. [WILLIAM H.] AYRES [of Ohio]: Mr. Chairman, I move that all debate

15. Jere Cooper (Tenn.).

16. See also 76 CONG. REC. 4195, 4196, 72d Cong. 2d Sess., Feb. 15, 1933.

17. 115 CONG. REC. 38844, 91st Cong. 1st Sess.

on the substitute amendment and all amendments thereto close at 6 o'clock with the last 5 minutes reserved to the committee.

THE CHAIRMAN:⁽¹⁸⁾ The matter of the last 5 minutes being reserved to the committee may not be included in the motion.

MR. AYRES: Mr. Chairman, I withdraw that portion of the motion.

THE CHAIRMAN: The question is on the motion of the gentleman from Ohio (Mr. Ayres).

The question was taken; and on a division (demanded by Mr. Ottinger) there were—ayes 124, noes 35.

So the motion was agreed to.

Statement of Motion

§ 2.3 The motion as stated by the Chair in putting the question and not as stated by the Member in offering the motion, is the proposition voted upon.

On Mar. 26, 1965,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 2362, the Elementary and Secondary Education Act of 1965 when a misunderstanding arose as to the wording of a motion offered by Mr. Adam C. Powell, of New York. Richard Bolling, of Missouri, Chairman of the Committee of the Whole, attempted to state the motion as he understood it.

THE CHAIRMAN: The Chair will state the motion as the Chair understood it.

18. John J. Rooney (N.Y.).

19. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

The Chair will say frankly the Chair had a little difficulty hearing it, but my understanding of the motion was that the chairman of the committee moved that all debate and all amendments to section 203 be closed in 5 minutes. . . .

MR. [CRAIG] HOSMER (of California): In the event that the motion is carried, if put, would the motion carried be that which was actually made by the gentleman from New York, or according to the record as reported, or would it be the motion as stated by the Chair?

THE CHAIRMAN: The motion will be as stated by the Chair, as was the case yesterday and is the case today.⁽²⁰⁾

Restating and Rereading Motions

§ 2.4 Where there is a misunderstanding about the wording of a pending motion, the Chair may restate the motion; but it is not the practice to ask that the motion be reread by the reporter.

On Mar. 26, 1965,⁽²¹⁾ during debate in the Committee of the Whole on H.R. 2362, the Elementary and Secondary Education Act of 1965, several Members sought to have the Chair clarify a motion offered by Mr. Adam C. Powell, of New York.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, will the Chair state the motion as originally made?

20. See also 111 CONG. REC. 6016, 6020, 89th Cong. 1st Sess., Mar. 25, 1965.

21. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, a parliamentary inquiry. At the time that the gentleman from New York made the motion his voice was inaudible. I strongly feel that the motion that he made should be reread and read loud.

THE CHAIRMAN:⁽¹⁾ The Chair will attempt to state how he understood it. It may be in error.

MR. GERALD R. FORD: Mr. Chairman, I ask that the reporter read what the Chairman said so we can all hear it. It would be very helpful.

THE CHAIRMAN: The gentleman from Michigan, the distinguished minority leader, is putting the Chair in the same position he had him in a little while ago. This goes straight, head on, into all of the practices and procedures of the House to have the reporter report a motion.

MR. GERALD R. FORD: Mr. Chairman, I withdraw my request.

THE CHAIRMAN: The Chair will state the motion as the Chair understood it. The Chair will say frankly the Chair had a little difficulty hearing it, but [the Chair's] understanding of the motion was that the chairman of the committee moved that all debate and all amendments to section 203 be closed in 5 minutes.

§ 2.5 A pending motion may be reread, by unanimous consent, even though all time for debate thereon may have expired.

On Sept. 12, 1967,⁽²⁾ the House was debating the Senate amend-

1. Richard Bolling (Mo.).

2. 113 CONG. REC. 25201, 25211, 90th Cong. 1st Sess.

ments in disagreement to H.R. 10738, Defense Department appropriations for fiscal year 1968. The following then occurred:

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Mahon moves that the House insist upon its disagreement to Senate amendment numbered 18.

PREFERENTIAL MOTION OFFERED BY
MR. SIKES

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Sikes moves that the House recede from its disagreement to the amendment of the Senate numbered 18 and concur therein.

THE SPEAKER PRO TEMPORE:⁽³⁾ The gentleman from Texas [Mr. Mahon] is recognized for 1 hour. . . .

THE SPEAKER:⁽⁴⁾ All time has expired.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I ask unanimous consent that the preferential motion of the gentleman from Florida be reread before the vote is taken.

THE SPEAKER: Without objection, it is so ordered.

There was no objection.

Withdrawal of Motions in the House

§ 2.6 In the House a motion may be withdrawn as a mat-

3. Carl Albert (Okla.).

4. John W. McCormack (Mass.).

ter of right and unanimous consent is not required.

On June 22, 1943,⁽⁵⁾ the House was debating Senate amendments in disagreement to H.R. 2481, the agriculture appropriation bill of 1944. The following occurred:

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, I withdraw the motion which was formerly made with reference to amendments 12 and 14 and submit other amendments stating the correct amounts of the totals, which are on the Clerk's desk.

MR. [EARL C.] MICHENER [of Michigan]: I object to that, Mr. Speaker. The gentleman asked to withdraw a motion, and he can do that only by unanimous consent.

THE SPEAKER PRO TEMPORE:⁽⁶⁾ The Chair will state that in the House a motion may be withdrawn as a matter of right.

§ 2.7 A motion may be withdrawn in the House before action is taken thereon.

On Dec. 11, 1969,⁽⁷⁾ the House was debating the appointment of conferees on H.R. 13270, the Tax Reform Act of 1969. Wilbur D. Mills, of Arkansas, Chairman of the House Committee on Ways and Means, sought unanimous consent to disagree to the Senate

5. 89 CONG. REC. 6284, 78th Cong. 1st Sess.

6. Fritz G. Lanham (Tex.).

7. 115 CONG. REC. 38543-45, 91st Cong. 1st Sess.

amendments and agree to a conference requested by the Senate. Mr. Charles A. Vanik, of Ohio, sought to offer a preferential motion:

MR. VANIK: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Vanik moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 13270 be instructed to insist on the House provisions relating to the oil and gas depletion allowance and to provide tax relief by way of increased dependency exemptions.

MR. VANIK: Mr. Speaker, I would like to be heard on my motion.

THE SPEAKER PRO TEMPORE:⁽⁸⁾ The gentleman from Ohio is recognized.

MR. VANIK: Mr. Speaker, I offer this motion to instruct the conferees in order to assure that the managers on the part of the House will stand by the House provisions on oil and gas depletion—which the Ways and Means Committee reduced to 20 percent—along with elimination of the foreign depletion allowance.

At this point, Mr. Mills assured Mr. Vanik that the conferees would uphold the position of the House, and argued that Mr. Vanik's motion would limit the discretion of the conferees to agree to some desirable Senate amendments.

MR. VANIK: Mr. Speaker, I want to thank my distinguished chairman. The

8. Carl Albert (Okla.).

conferees and managers on the part of the House have our best wishes, and I ask that they speak for the average taxpayers of America who need to get some relief out of this tax program which will be before the conference.

Mr. Speaker, I withdraw my motion.

§ 2.8 A motion to suspend the rules and pass a bill was, by unanimous consent, withdrawn after a second was ordered, there had been debate on the motion, and the Speaker had put the question on its adoption.

On May 6, 1963,⁽⁹⁾ the House was debating H.R. 101, relating to the definition of peanuts under the Agricultural Act. The following then took place:

MR. [DONALD R.] MATTHEWS [of Florida]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 101) to extend for 2 years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938. . . .

THE SPEAKER:⁽¹⁰⁾ Is a second demanded?

MR. [PAUL] FINDLEY [of Illinois]: Mr. Speaker, I demand a second.

THE SPEAKER: Without objection, a second will be considered as ordered.

There was no objection. . . .

THE SPEAKER: The question is on the motion of the gentleman from Florida that the House suspend the rules and pass the bill.

9. 109 CONG. REC. 7813, 7815, 88th Cong. 1st Sess.

10. John W. McCormack (Mass.).

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that the motion to suspend the rules and call up the bill under consideration be withdrawn.

THE SPEAKER: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Parliamentarian's Note: Unanimous consent is not required, until a second is ordered, to withdraw a motion to suspend the rules.

§ 2.9 Unanimous consent to withdraw a motion in the House is required where the yeas and nays have been ordered on the motion.

On July 9, 1970,⁽¹¹⁾ the House was debating H.R. 15628, the Foreign Military Sales Act of 1970. Mr. Donald W. Riegle, Jr., of Michigan, moved that the House instruct its conferees to agree to a Senate amendment. The following took place:

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I offer a motion to table.

The Clerk read as follows:

Mr. Hays moves to lay on the table the motion offered by Mr. Riegle.

THE SPEAKER:⁽¹²⁾ The question is on the motion offered by the gentleman from Ohio (Mr. Hays) to lay on the

table the motion offered by the gentleman from Michigan (Mr. Riegle).

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

MR. HAYS: Mr. Speaker, I have been prevailed upon to attempt to withdraw my motion on the understanding that there will be some equal division of time, and if it is not too late I would ask unanimous consent to withdraw my motion to lay on the table the motion offered by the gentleman from Michigan (Mr. Riegle).

THE SPEAKER: Is there objection to the request of the gentleman from Ohio?

MR. [WILLIAM J.] SCHERLE [of Iowa]: Mr. Speaker, I object.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

Withdrawal of Motions in Committee of the Whole

§ 2.10 A motion may be withdrawn in the Committee of the Whole only by unanimous consent.

On Mar. 26, 1965,⁽¹³⁾ the Committee of the Whole was debating H.R. 2362, the Elementary and Secondary Education Act of 1965. Mr. Adam C. Powell, of New York, attempted to clarify a previous motion he had offered to limit the time for debate and also limit the offering of amendments to the bill.

MR. POWELL: I withdraw the previous motion. I move all debate and all

11. 116 CONG. REC. 23524, 23525, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 111 CONG. REC. 6101, 89th Cong. 1st Sess.

amendments on this title and this section close in 10 minutes.

MR. [PORTER] HARDY [Jr., of Virginia]: Mr. Chairman, I ask that the original motion be read.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Chairman, a point of order. I want to know whether or not it takes unanimous consent to withdraw the motion.

THE CHAIRMAN:⁽¹⁴⁾ The gentleman from New York asks unanimous consent to withdraw the motion.

MR. POWELL: That is right. I withdraw it. I ask unanimous consent to withdraw it.

MR. ASHBROOK: Mr. Chairman, I object.

§ 3. Precedence of Motions

In general, recognition to offer a motion is at the discretion of the Chair, subject to the House rules and precedents pertaining to several motions which establish priorities of recognition. These will be discussed later in this chapter in the sections that deal with each motion.

Priority of Motion of Higher Privilege

§ 3.1 A Member having the floor to offer a motion may move the previous question thereon although another

14. Richard Bolling (Mo.).

claims recognition to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question.

On Sept. 13, 1965,⁽¹⁵⁾ Mr. Carl Albert, of Oklahoma, interrupted the Clerk's reading of the Journal.

MR. ALBERT: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.

THE SPEAKER:⁽¹⁶⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

What is the motion of the gentleman from Missouri?

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, during the reading of the Journal, section by section, I asked at what time it might be amended; and if I understood the distinguished Speaker correctly he said that if such an amendment were submitted by the gentleman from Missouri or any other person at any time it would be in order at the end of the reading of the Journal.

THE SPEAKER: The gentleman from Missouri has a correct recollection of

15. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

16. John W. McCormack (Mass.).

what the Chair said at that time. However, the gentleman from Oklahoma [Mr. Albert] has made a motion that the Journal as read be approved and upon that he has moved the previous question.

MR. HALL: Then, Mr. Speaker, I move to table that motion.

THE SPEAKER: The question is on the motion to lay on the table.

§ 4. Dilatory Motions

Discretion of Chair

§ 4.1 The determination of whether a motion is dilatory is entirely within the discretion of the Chair.

On May 16, 1938,⁽¹⁷⁾ the consideration of an omnibus claims bill was interrupted by a parliamentary inquiry.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, I rise to submit a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The gentleman will state it.

MR. COCHRAN: The Chair has stated that tomorrow an omnibus claims bill will be called up. I recall that the last time that an omnibus claims bill was called up a Member rose and moved to strike out a certain title which, of course, was permissible under the rule. However, after he had moved to strike out the title and was recognized, he

immediately stated that he did not propose to insist upon his motion, but that he offered the motion for the purpose of giving the House some information relative to the title under consideration. As I understand the spirit of the rule, there shall be 5 minutes granted in opposition to the title and 5 minutes in favor of the title, each bill being a separate title. It seems to me that the spirit of the rule was violated on that occasion, because there were two speeches of 5 minutes each in favor of the title or bill, and no speech in opposition to the title. My parliamentary inquiry is whether a point of order would lie against the motion of a Member to strike out the title when, as a matter of fact, the Member was not in favor of striking out the title.

THE SPEAKER PRO TEMPORE: The present occupant of the Chair would have no way of reading a Member's mind or questioning his motives with reference to any amendment that he might offer. The Chair thinks that any Member who gained the floor to offer any permissible amendment would be in order and he would be entitled to the floor.

MR. COCHRAN: It was certainly a violation of the spirit of the rule when one offers an amendment to strike out a title and then in the first sentence after recognition says that he is not going to insist upon his motion and consumes 5 minutes that should be allowed in opposition to the title.

THE SPEAKER PRO TEMPORE: The rule interpreted otherwise would make it pretty hard on the occupant of the chair.

MR. [CASSIUS C.] DOWELL [of Iowa]: Where it becomes apparent to the

17. 83 CONG. REC. 6938, 75th Cong. 3d Sess.

18. Sam Rayburn (Tex.).

Chair that a motion is made for the purpose of delay, then a point of order may be made and would be sustained, would it not?

THE SPEAKER PRO TEMPORE: The present occupant of the chair understands that the determination of whether a motion is dilatory is entirely within the discretion of the Chair.

Intent to Delay

§ 4.2 On one occasion the Speaker announced that he would not hold a motion to be dilatory until it became obvious that dilatory tactics were being indulged in and that a filibuster was being conducted.

On July 25, 1949,⁽¹⁹⁾ the House sought consideration of H.R. 3199, a federal anti-poll tax act, by utilizing for the first time the so-called 21-day rule to bring this bill to the House from the Committee on Rules. The following occurred:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, pursuant to clause 2(c) of rule XI, I call up House Resolution 276, which has been pending before the Committee on Rules for more than 21 calendar days without being reported.

THE SPEAKER:⁽²⁰⁾ The Clerk will report the resolution.

19. 95 CONG. REC. 10095, 10096, 81st Cong. 1st Sess.

20. Sam Rayburn (Tex.).

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3199) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on House Administration, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. . . .

MRS. NORTON: . . . Mr. Speaker, I move the previous question on the adoption of the rule.

THE SPEAKER: The question is on ordering the previous question.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 262, nays 100, not voting 70. . . .

THE SPEAKER: The question is on agreeing to the resolution.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The gentleman from Florida moves that the House do now adjourn.

The Chair desires to make a statement. Since the present Speaker has occupied the chair he has yet to hold a motion to be dilatory, and will not until it becomes obvious to everybody that dilatory tactics are being indulged in and that a filibuster is being conducted.

§ 4.3 The Chair overruled the point of order that a motion to strike out the enacting clause of a bill was dilatory where the Member offering the motion stated that he was opposed to the bill.

On Mar. 30, 1950,⁽¹⁾ the House was considering H.R. 7797, to provide foreign economic assistance. The following took place:

MR. [JAMES G.] FULTON [of Pennsylvania]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Fulton moves that the Committee do now rise and that the bill be reported to the House with the enacting clause stricken.

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽²⁾ The gentleman will state it.

MR. KEEFE: Mr. Chairman, I make the point of order against the pref-

erential motion that it is dilatory. The gentleman from Pennsylvania is not opposed to this bill and is not in good faith asking that the enacting clause be stricken out; he is advocating this bill vehemently and is simply taking this means to get 5 minutes time when many others of us have been waiting for 2 days trying to get time, but in vain.

THE CHAIRMAN: The Chair would like to inquire of the gentleman from Pennsylvania [Mr. Fulton] if he is opposed to the bill?

MR. FULTON: In its present form I would be opposed to it.

THE CHAIRMAN: The Chair must accept the statement of the gentleman from Pennsylvania.

The Chair overrules the point of order and recognizes the gentleman from Pennsylvania in support of his preferential motion.

§ 4.4 After stating that, "one of the greatest responsibilities the Chair could assume would be to hold that motions are dilatory," the Speaker ruled that a motion to adjourn was not dilatory.

On June 5, 1946,⁽³⁾ a Calendar Wednesday, several quorum calls had delayed reaching the Committee on Labor preventing a federal employment practices bill from being called up. After the House voted to dispense with further proceedings under a call of

1. 96 CONG. REC. 4424, 81st Cong. 2d Sess.

2. Oren Harris (Ark.).

3. 92 CONG. REC. 6352-56, 79th Cong. 2d Sess.

the House, Mr. L. Mendel Rivers, of South Carolina, moved that the House adjourn.

MR. RIVERS: Mr. Speaker, I move that the House do now adjourn.

MR. [CHRISTIAN A.] HERTER [of Massachusetts]: Mr. Speaker, a point of order.

THE SPEAKER: ⁽⁴⁾ The gentleman will state it.

MR. HERTER: Mr. Speaker, the motion just made is a dilatory motion and I should like to be heard on it.

MR. RIVERS: Mr. Speaker, it is always in order to move to adjourn.

THE SPEAKER: The gentleman from Massachusetts has made a point of order and the Chair is going to hear him.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I would like to be heard in opposition to the point of order.

THE SPEAKER: The gentleman from Massachusetts.

MR. HERTER: Mr. Speaker, in ruling on the point of order I realize fully that entire discretion is vested in the Chair in reaching a decision as to whether a motion is a dilatory motion or is not a dilatory motion.

At this point Mr. Rankin rose to a point of order that a quorum was not present and Mr. Howard W. Smith, of Virginia, moved a call of the House. The call was ordered and when taken indicated the presence of 290 Members. Mr. Graham A. Barden, of North Carolina, moved to dispense with

further proceedings under the call and Mr. Thomas G. Abernethy, of Mississippi, demanded the yeas and nays. The motion was agreed to.

THE SPEAKER: The Chair recognizes the gentleman from Massachusetts [Mr. Herter] on a point of order.

MR. HERTER: Mr. Speaker, as I said at the outset, it is within your discretion to rule on this point of order and there can be no appeal from your ruling; however, in making that ruling, it is obvious that you will be guided by two matters: First, by the chain of circumstances which have led to the point of order being made, and, secondly, by the precedents that have been set by your predecessors in ruling under similar circumstances.

Insofar as the first is concerned, the circumstances that have led to this particular point of order being made are obvious to every Member of this House. For the last few Wednesdays this House has done no business whatsoever. It has clearly been prevented from doing business because certain Members wished to avoid having certain matters come up here for discussion. In other words, sir, as long as the calendar contains certain pieces of legislation that have been favorably reported by your duly constituted committees but have not been brought here under rule, they can only be brought up in this way, and as long as the Members of the House wish to avoid the calendar being reached they can delay action on those particular matters. We all know what they are. . . .

MR. HERTER: Mr. Speaker, the second point that I wish to emphasize is

4. Sam Rayburn (Tex.).

the question of precedents that have been set by your predecessors under circumstances very similar to those which we are facing here today. I am reading now direct quotations from Cannon's Precedents of the House of Representatives, volume 8, page 424. . . .⁽⁵⁾

THE SPEAKER: The Chair is familiar with the rulings made by Speaker Gillett to which the gentleman from Massachusetts refers. One of the greatest responsibilities any occupant of the Chair could assume would be to hold that motions are dilatory. However, that is not to say that the present occupant of the Chair will not, under certain circumstances, hold motions to be dilatory. In the weeks to come and for the remainder of this day the Chair will scrutinize very carefully motions that are made.

The Chair is going to put the motion to adjourn.

5. Mr. Herter cited 8 Cannon's precedents §2813, where a motion to adjourn had been ruled out as dilatory. In that situation, Speaker Frederick H. Gillett (Mass.) in ruling out a motion to adjourn offered by Mr. Finis J. Garrett (Tenn.) stated: "In deciding what is dilatory the Chair thinks he should be very careful, because his decision is final; but, on the other hand, he does not think there can be any question in the minds of any of the Members of the House present that the purpose of the gentleman from Tennessee in making this motion is delay, and not the expectation or intention of accomplishing any other result by the motion. Therefore the Chair thinks that the motion is dilatory."

§ 4.5 The first having been withdrawn, a second motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that the enacting clause be stricken was held in order and not dilatory.

On May 3, 1949,⁽⁶⁾ the Committee of the Whole was considering H.R. 2032, the National Labor Relations Act of 1949. The following occurred:

MR. [HALE] BOGGS [of Louisiana]: Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. Boggs of Louisiana moves that the Committee do now rise and report the bill to the House with the recommendation that the enacting clause be stricken out.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, I make a point of order that that motion has just been voted down.

THE CHAIRMAN: ⁽⁷⁾ The gentleman is mistaken. The previous motion was withdrawn by unanimous consent.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Chairman, I make the point of order it is dilatory. Is the gentleman going to press his motion?

THE CHAIRMAN: The Chair overrules the point of order.

§ 4.6 The Speaker has, on a Calendar Wednesday, recog-

6. 95 CONG. REC. 5531, 81st Cong. 1st Sess.
7. Jere Cooper (Tenn.).

nized the chairman of a committee to call up a bill in spite of repeated motions to adjourn, thereby inferentially holding such motions to be dilatory.

On Feb. 15, 1950,⁽⁸⁾ the Clerk was calling the roll of the committees under the Calendar Wednesday rule. The following took place immediately after the rejection of several motions to adjourn:

THE SPEAKER:⁽⁹⁾ The Clerk will call the committees.

The Clerk called the Committee on the District of Columbia.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair does not yield to the gentleman for a parliamentary inquiry at this time.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The Clerk has called the Committee on the District of Columbia. The Chair recognizes the gentleman from South Carolina [Mr. McMillan].

MR. SMITH of Virginia: Mr. Speaker, I move that the House do now adjourn. That motion is always in order.

THE SPEAKER: The Chair has recognized the gentleman from South Carolina [Mr. McMillan].

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I offer a preferential motion.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

MR. COLMER: Mr. Speaker, I move that the House do now adjourn.

THE SPEAKER: The gentleman from South Carolina [Mr. McMillan] has been recognized.

Parliamentarian's Note: Repeated roll calls were sought on this day in an effort to delay business under the Calendar Wednesday rule and thus delay the call of the Committee on Education and Labor on the following Wednesday when a fair employment practice bill was to be called up.

Demand for Division

§ 4.7 A demand for a division vote after a voice vote was held not to be dilatory.

On May 14, 1930,⁽¹⁰⁾ the Committee of the Whole was debating H.R. 2152, when a motion was offered to close all debate on a particular section and all amendments thereto in five minutes.

THE CHAIRMAN:⁽¹¹⁾ The question now is on the motion of the gentleman from Michigan to close all debate on this section and all amendments thereto in five minutes.

The question was taken, and Mr. [John C.] Schafer of Wisconsin demanded a division.

8. 96 CONG. REC. 1811, 1812, 81st Cong. 2d Sess.

9. Sam Rayburn (Tex.).

10. 72 CONG. REC. 8958, 71st Cong. 2d Sess.

11. Scott Leavitt (Mont.).

MR. [C. WILLIAM] RAMSEYER [of Iowa]: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. RAMSEYER: I make the point of order that the motion is dilatory.

THE CHAIRMAN: What motion does the gentleman refer to? The matter before the House is whether there shall be a division.

MR. RAMSEYER: It can be contended as dilatory. I refer the Chair to page 346 of the House manual, paragraph 10. Vote after vote has been taken here on these minor matters, and each has turned out about 2 to 1. [Cries of "Oh, no!"]

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Why, a change of 10 votes would have made the committee rise on the last vote.

THE CHAIRMAN: The Chair is ready to rule.

MR. RAMSEYER: I do not care to take up the time of the Chair to read the various decisions, but it covers almost everything—time to fix debate, a motion to rise, a motion to adjourn, demand for tellers. That has been held dilatory also, and so on through. I am not going to argue this particular point, but I shall insist on the Chair enforcing the rule against dilatory motions.

THE CHAIRMAN: The Chair is ready to rule.

MR. SCHAFER of Wisconsin: Mr. Chairman, I would like to be heard upon the point of order.

THE CHAIRMAN: The Chair will hear the gentleman.

MR. SCHAFER of Wisconsin: The request for a division is certainly not dil-

atory, particularly in view of the fact that on the vote by ayes and noes it would seem to any fair-minded person paying attention that there was a very close division in the committee. Furthermore, this is not a trivial matter. These motions have been made in order to close debate. Many statesmen or would-be statesmen talk much about freedom of speech when they are running for office, and then come here and try to cut off reasonable debate, in this important legislation, with steam-roller tactics.

THE CHAIRMAN: The Chair is ready to rule. The Chair finds nothing in the precedents to hold that a request for a division is dilatory. He does find a demand for tellers to have been held to be dilatory, but not a division. The point of order is overruled.

Time for Objection

§ 4.8 After the Speaker has entertained a motion that the House adjourn, it is too late to make the point of order that the motion is dilatory on the ground that the House rejected such a motion an hour previously.

On Feb. 22, 1950,⁽¹²⁾ the House was proceeding with business under the Calendar Wednesday rule when Mr. Robert L. F. Sikes, of Florida, moved that the House adjourn.

THE SPEAKER:⁽¹³⁾ The gentleman from Florida [Mr. Sikes] moves that the House do now adjourn.

12. 96 CONG. REC. 2161, 81st Cong. 2d Sess.

13. Sam Rayburn (Tex.).

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order on the motion.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, I submit the motion to adjourn is dilatory. While I recognize that intervening business has been transacted, such as voting on the motion to dispense with Calendar Wednesday business, it seems to me that the House has expressed its will on this matter about an hour ago and the House refused to adjourn. I think it is obvious to the Speaker that the House has refused to adjourn and the motion, therefore, is dilatory.

THE SPEAKER: The Chair has already entertained the motion. The question is on the motion offered by the gentleman from Florida.

Parliamentarian's Note: See also Chapters 18, 21, and 17, *supra*, for discussion of prohibition against dilatory motions under the discharge rule (Rule XXVII clause 4), motions to suspend the rules (Rule XVI clause 8), and motions pending reports from the Committee on Rules (Rule XI clause 4(b)).

B. MOTIONS TO POSTPONE

§ 5. In General

There are two motions to postpone. One provides postponement to a day certain; the other postpones the matter in question indefinitely. The adoption of a motion to postpone indefinitely constitutes a final adverse disposition of the measure to which it is applied. (See § 8.1, *infra*.) Each must be applied to the entire pending proposition, not to a part thereof.⁽¹⁴⁾

The motion to postpone to a day certain may be amended⁽¹⁵⁾ and

debated, although debate is limited to the advisability of postponement only and may not go to the merits of the proposition to be postponed.⁽¹⁶⁾

Neither motion to postpone is in order in the Committee of the Whole, but under special circumstances absent a special rule governing consideration of a bill for amendment under the five-minute rule, it has been held in order in the Committee of the Whole to move that a bill be reported to the House with the rec-

14. 5 Hinds' Precedents § 5306.

15. 8 Cannon's Precedents § 2824; 5 Hinds' Precedents § 5754.

16. 8 Cannon's Precedents §§ 2372, 2616, 2640; and 5 Hinds' Precedents §§ 5311–5315.

ommendation that action on it be postponed.⁽¹⁷⁾

The motion to postpone to a day certain may not specify a particular hour.⁽¹⁸⁾ Business postponed to a day certain is in order on that day immediately following approval of the Journal and disposition of the business on the Speaker's table, but may be displaced by business of higher privilege.⁽¹⁾

§ 6. When in Order

Effect of Ordering Previous Question

§ 6.1 The motion to postpone further consideration of a matter is not in order after the previous question has been ordered thereon.⁽²⁾

Postponement of Veto Message

§ 6.2 A privileged motion to postpone further consideration of a veto message to a day certain was made immediately following the reading of the message.

17. 18 Cannon's Precedents §2372; 4 Hinds' Precedents §4765.

18. 5 Hinds' Precedents §5307.

1. 8 Cannon's Precedents §2614.

2. 8 Cannon's Precedents §§2616, 2617; and 5 Hinds' Precedents §§5319–5321.

On June 23, 1970,⁽³⁾ the President's veto message on H.R. 11102, the medical facilities construction and modernization amendments of 1970, was laid before the House:

To the House of Representatives:

I am returning without my approval H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970. My reason for this veto is basic: H.R. 11102 is a long step down the road of fiscal irresponsibility, and we should not take that road. . . .

In these times there is no room in this massive program—or in any other program—for the kind of needless and misdirected spending represented in H.R. 11102. I again call upon the Congress to join me in holding down Government spending to avoid a large budget deficit in fiscal year 1971.

Richard Nixon.

THE WHITE HOUSE, *June 22, 1970.*

THE SPEAKER:⁽⁴⁾ The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move that further consideration of the veto message of the President be postponed until Thursday, June 25, 1970.

Mr. Speaker, the reason I ask for this postponement is to serve notice on all Members of the House and to give everyone an opportunity to study the

3. 116 CONG. REC. 20876, 20877, 91st Cong. 2d Sess.

4. John W. McCormack (Mass.).

veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

A motion to reconsider was laid on the table.

Postponement of Resolution of Disapproval

§ 6.3 A resolution disapproving a President's alternative pay plan is subject to a motion in the House to postpone consideration thereof.

Parliamentarian's Note: 5 USC § 5305(j) makes in order motions to postpone consideration of such disapproval resolutions, either to a day certain or indefinitely. A motion to postpone would be in order either (1) pending the initial motion to consider the disapproval resolution; (2) upon adoption of a motion that the Committee of the Whole rise; or (3) after the Committee had risen and reported the resolution back to the House.

Postponement of Motion to Discharge

§ 6.4 When a motion to discharge a committee under

Rule XXVII clause 4 is called up a motion to postpone consideration thereof to a day certain is not in order.

On Dec. 18, 1937,⁽⁵⁾ the House was considering the petitions on the Discharge Calendar. The following took place:

MR. [SAMUEL B.] PETTENGILL [of Indiana]: Assuming that the gentleman from Indiana, or some other signer of the petition, were to call it up, would a motion to postpone to a day certain, being a second or fourth Monday, be in order?

THE SPEAKER:⁽⁶⁾ Under the rules, it would not. The Chair directs the attention of the gentleman from Indiana to the discharge rule which clearly sets out that no intervening motion may take place except one motion to adjourn.

§ 7. Postponement to a Day Certain

Postponement of Veto Messages to a Day Certain

§ 7.1 The debatable motion to postpone further consideration of a veto message to a day certain is privileged and takes precedence over the pending question of passing the bill notwithstanding the objections of the President.

5. 82 CONG. REC. 1847, 75th Cong. 2d Sess.

6. William B. Bankhead (Ala.).

On Jan. 27, 1970,⁽⁷⁾ the House was considering the veto message on H.R. 13111, the Labor and HEW appropriations for fiscal 1970. The following then took place:

THE SPEAKER PRO TEMPORE:⁽⁸⁾ The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is: Will the House, on reconsideration, pass the bill H.R. 13111, the objections of the President to the contrary notwithstanding?

THE SPEAKER: The Chair recognizes the gentleman from Texas (Mr. Mahon).

MOTION OFFERED BY MR. MAHON

MR. [GEORGE H.] MAHON [of Texas]: Mr. Speaker, I move that further consideration of the veto message from the President be postponed until tomorrow.

THE SPEAKER PRO TEMPORE: The gentleman from Texas (Mr. Mahon) is recognized on his motion.

§ 7.2 A Member offering a motion to postpone further consideration of a veto message to a day certain may seek recognition to move the previous question thereon.

On June 23, 1970,⁽⁹⁾ the House was considering the veto message

7. 116 CONG. REC. 1367, 1368, 91st Cong. 2d Sess.

8. Carl Albert (Okla.).

9. 116 CONG. REC. 20877, 91st Cong. 2d Sess.

on H.R. 11102, the medical facilities construction and modernization amendments of 1970, when a motion to postpone was offered:

THE SPEAKER:⁽¹⁰⁾ The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move that further consideration of the veto message of the President be postponed until Thursday, June 25, 1970.

Mr. Speaker, the reason I ask for this postponement is to serve notice on all Members of the House and to give everyone an opportunity to study the veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER: The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

§ 7.3 A veto message postponed to a day certain is the unfinished business on that day.

On Apr. 14, 1948,⁽¹¹⁾ the House resumed consideration of the veto message on H.R. 5052, dealing with the Social Security Act and the Internal Revenue Code. The

10. John W. McCormack (Mass.).

11. 94 CONG. REC. 4427, 80th Cong. 2d Sess.

proper order of business was announced by the Speaker:

THE SPEAKER: ⁽¹²⁾ The Chair wishes to state the order of business.

The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 5052) to exclude certain vendors of newspapers or magazines from certain provisions of the Social Security Act and the Internal Revenue Code.

The Speaker also indicated that when a veto message postponed to a day certain is announced as the unfinished business on that day, no motion is required from the floor for the consideration of such veto; the question "Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding" is the pending business: ⁽¹³⁾

THE SPEAKER: The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding? . . .

THE SPEAKER: The gentleman from California [Mr. Gearhart] is recognized.

MR. [HERMAN P.] EBERHARTER [of Pennsylvania]: Mr. Speaker, will the gentleman yield?

MR. [BERTRAND W.] GEARHART: I yield to the gentleman from Pennsylvania.

MR. EBERHARTER: Has the gentleman made a motion to call up the bill?

MR. GEARHART: The Parliamentarian advises me that is not necessary. The Speaker has already stated the issue.

MR. EBERHARTER: I just wanted the record to be certain. I did not hear the gentleman make a motion to call up the bill.

MR. GEARHART: I believe the gentleman's question has already been answered.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, if the gentleman will yield, the bill is before the House now automatically.

MR. EBERHARTER: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. GEARHART: Gladly.

THE SPEAKER: The Chair will state that he has already put the question, but he will repeat it if the gentleman desires.

MR. EBERHARTER: No. I just want to have the record straight.

THE SPEAKER: The veto message was originally read on April 6, and the request of the gentleman from California was that it be reread for the information of the House. Previous to that request the Chair had stated that the question before the House was, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman will proceed.

12. Joseph W. Martin, Jr. (Mass.).

13. 94 CONG. REC. 4427, 4428, 80th Cong. 2d Sess.

§8. Postponement for Indefinite Period

Rescinding Action of Both Houses

§ 8.1 The action of the two Houses in connection with the passage of a private bill was rescinded by a concurrent resolution setting forth such rescission and providing that the bill be postponed indefinitely.

On Feb. 7, 1952,⁽¹⁴⁾ the House agreed to a Senate concurrent resolution rescinding the action of the two Houses on the bill S. 1236 for the relief of Kim Song Nore in view of the fact that the individual named in the bill had died.

MR. [FRANCIS E.] WALTER [of Pennsylvania]: Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 60, indefinitely postponing Senate bill 1236, for the relief of Kim Song Nore.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the two Houses in connection with the passage of the bill (S. 1236) for the relief of Kim Song Nore be rescinded, and that the said bill be postponed indefinitely.

THE SPEAKER:⁽¹⁵⁾ Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

Parliamentarian's Note: The effect of a motion to postpone indefinitely is to finally dispose of the pending matter adversely. It is different from merely refusing to consider a matter at a particular time. The motion is not amendable, but the motion to postpone to a day certain takes precedence.

C. MOTIONS TO LAY ON THE TABLE

§ 9. In General; Application and Effect

The motion to lay on the table, also referred to as the motion to table, is used by the House to

reach a final adverse disposition of a proposition.⁽¹⁶⁾ The motion is not in order in the Committee of the Whole.⁽¹⁷⁾

The motion to lay on the table is of high privilege, but yields to a

14. 98 CONG. REC. 934, 82d Cong. 2d Sess.

15. Sam Rayburn (Tex.).

16. See §§ 9.1 et seq., *infra*.

17. See 8 Cannon's Precedents §§ 2330, 2556a, 3455; and 4 Hinds' Precedents §§ 4719, 4720.

motion to adjourn.⁽¹⁸⁾ The motion may not be made after the previous question has been ordered,⁽¹⁹⁾ but is in order where the previous question has been moved. It may not be applied to a demand for the previous question⁽²⁰⁾ nor to motions to suspend the rules.⁽¹⁾

The motion may not be applied to motions to recommit,⁽²⁾ motions to go into the Committee of the Whole,⁽³⁾ nor to any motion relating to the order of business.⁽⁴⁾ It is generally not in order on motions which are neither debatable nor amendable.⁽⁵⁾

Most matters laid on the table may be taken therefrom only by unanimous consent⁽⁶⁾ or by a motion to suspend the rules.⁽⁷⁾ However, questions of privilege laid on the table may be taken from the table on a motion agreed to by the House⁽⁸⁾ as may vetoed bills.⁽⁹⁾

18. Rule XVI clause 4, *House Rules and Manual* §782 (1981).

19. See 8 Cannon's Precedents §§2655; 5 Hinds' Precedents §§5415–5422.

20. 5 Hinds' Precedents §§5410, 5411.

1. 5 Hinds' Precedents §§5405, 5406.

2. See 8 Cannon's Precedents §2655; and 5 Hinds' Precedents §§5412–5414.

3. 6 Cannon's Precedents §726.

4. 5 Hinds' Precedents §§5403, 5404.

5. Rule XVI clause 4, *House Rules and Manual* §785 (1981).

6. See §§13.1, 13.2, *infra*.

7. 5 Hinds' Precedents §6288.

8. 5 Hinds' Precedents §5438.

9. 4 Hinds' Precedents §3550; and 5 Hinds' Precedents §5439.

When a proposed amendment is laid on the table the pending bill also goes to the table.⁽¹⁰⁾ The result is the same when a Senate amendment to a House bill is laid on the table.⁽¹¹⁾ However, where one motion to dispose of a Senate amendment (with an amendment) is tabled, the bill and all Senate amendments do not automatically go to the table, as other motions remain available to dispose of that Senate amendment.

Effect on Pending Measure

§9.1 In response to a parliamentary inquiry, the Speaker stated that adoption of a motion to lay a resolution on the table would result in the final adverse disposition of the resolution.

On Dec. 14, 1970,⁽¹²⁾ the House was considering House Resolution 1306, asserting the privileges of the House relative to the printing and publishing of a report of the Committee on Internal Security. Mr. Louis Stokes, of Ohio, offered a motion to table the resolution. The following then occurred:

MR. [ALBERT W.] WATSON [of South Carolina]: Mr. Speaker, a parliamentary inquiry.

10. 8 Cannon's Precedents §2656; and 5 Hinds' Precedents §5423.

11. 5 Hinds' Precedents §5424.

12. 116 CONG. REC. 41372, 41373, 91st Cong. 2d Sess.

THE SPEAKER:⁽¹³⁾ The gentleman will state it.

MR. WATSON: Mr. Speaker, if the motion to table prevails, there can be no further consideration at all of this matter. Is that not correct? Does it not apply the clincher?

THE SPEAKER: If the motion to table is agreed to, then the resolution is tabled.

MR. WATSON: Then that ends it. All right.

Effect on Debate

§ 9.2 The motion to lay on the table may deprive a Member of recognition for debate on a resolution he has offered.

On Jan. 17, 1933,⁽¹⁴⁾ Mr. Louis T. McFadden, of Pennsylvania, offered a resolution of impeachment against President Herbert Hoover. The following took place:

MR. MCFADDEN: During the opening I addressed the Speaker to ascertain whether or not I would be protected in one hour time for debate. I am prepared to debate. I understand a certain motion will be made which will deprive me of that right.

THE SPEAKER:⁽¹⁵⁾ The Chair can not control 434 Members of the House in the motions they will make. The Chair must recognize them and interpret the rules as they are written. That is what the Chair intends to do. The gen-

tleman from Pennsylvania would have an opportunity to discuss this matter for an hour under the rules of the House, if some gentleman did not take him off his feet by a proper motion. [Applause.]

MR. MCFADDEN: That is what I was attempting to ascertain.

The Clerk concluded the reading of the resolution.

MR. [HENRY T.] RAINEY [of Illinois]: Mr. Speaker, I move to lay the resolution of impeachment on the table.

THE SPEAKER: The gentleman from Illinois moves to lay the resolution of impeachment on the table.

May the Chair be permitted to make a statement with reference to the rules applying to that motion. The parliamentarian has examined the precedents with reference to the motion. Speaker Clark and Speaker Gillette, under identical conditions, held that a motion to lay on the table took a Member off the floor of the House, although the general rules granted him one hour in which to discuss the resolution of impeachment or privileges of the House. Therefore the motion is in order.

Application of Motion to Appeal

§ 9.3 An appeal from a decision of the Speaker may be laid on the table.

On Aug. 13, 1937,⁽¹⁶⁾ the House was considering the election contest of Roy v Jenks. After the

13. John W. McCormack (Mass.).

14. 76 CONG. REC. 1968, 72d Cong. 2d Sess.

15. John N. Garner (Tex.).

16. 81 CONG. REC. 8845, 75th Cong. 1st Sess.

Speaker⁽¹⁷⁾ overruled a point of order against the privileged report filed by the elections committee, the following took place:

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I respectfully appeal from the decision of the Chair.

THE SPEAKER: The gentleman from New York appeals from the decision of the Chair.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, I move to lay the appeal on the table.

THE SPEAKER: The question is on the motion of the gentleman from Texas to lay the appeal on the table.

The question was taken; and on a division (demanded by Mr. Snell) there were—ayes 212, noes 63.

§ 9.4 When an appeal from a decision of the Chair is tabled, the effect of such action sustains the decision of the Chair.

On May 25, 1944,⁽¹⁸⁾ the House was considering H.R. 4879, making appropriations for war agencies for the fiscal year ending June 30, 1945. In response to a parliamentary inquiry the Speaker⁽¹⁹⁾ ruled that points of order against the bill had been waived by unanimous consent two days previously. The following then occurred:

MR. [FRANCIS H.] CASE [of South Dakota]: Mr. Speaker, in view of the im-

portance of this as a matter of setting a precedent, I respectfully appeal from the decision of the Chair and ask for recognition. . . .

The question involved is whether or not you want the Speaker to recognize Members to ask for the consideration of appropriation bills with points of order waived and let that recognition come at any time regardless of whether or not the bill has been reported to the House.

Mr. Speaker, I move the previous question.

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I move that the appeal be laid on the table.

THE SPEAKER: The motion of the gentleman from Massachusetts is preferential.

The question was taken; and the Chair being in doubt, the House divided; and there were—ayes 175, noes 54. . . .

So the motion was agreed to.

THE SPEAKER: The motion offered by the gentleman from Massachusetts is agreed to and the decision of the Chair sustained. . . .

PARLIAMENTARY INQUIRY

MR. CASE: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CASE: Mr. Speaker, did I understand the Speaker to state that the decision of the Chair was sustained or that the appeal was laid on the table? The effect is perhaps the same.

THE SPEAKER: The motion to lay the appeal on the table was agreed to. The ruling of the Chair was thereby sustained.

17. William B. Bankhead (Ala.).

18. 90 CONG. REC. 4990–92, 78th Cong. 2d Sess.

19. Sam Rayburn (Tex.).

MR. CASE: The Chair holds that the two things were involved in laying the appeal on the table?

THE SPEAKER: They were in the disposition of the appeal.

Rejection of Motion to Table as Affecting Vetoed Bill

§ 9.5 The Speaker declined to construe a “no” vote on a motion to table as being “tantamount to overriding the President’s veto.”

On Sept. 7, 1965,⁽²⁰⁾ Mr. Durward G. Hall, of Missouri, offered a motion to discharge the Committee on Armed Forces from further consideration of the bill H.R. 8439, for military construction, which had been vetoed by the President, and to have that bill considered in the House. Mr. L. Mendel Rivers, of South Carolina, moved to lay that motion on the table. Mr. Hall then rose with a parliamentary inquiry.

MR. HALL: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁾ The gentleman will state it.

MR. HALL: Mr. Speaker, would a “no” vote as just stated by the Chair be tantamount to overriding the Presidential veto of the military construction bill?

THE SPEAKER PRO TEMPORE: The Chair cannot make such construction on a motion. . . .

20. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess.

1. Carl Albert (Okla.).

The question was taken; and there were—yeas 323, nays 19, not voting 90. . . .

So the motion was agreed to.

Debate on Motions to Table

§ 9.6 The motion to lay on the table is not debatable.

On Dec. 9, 1971,⁽²⁾ the House approved House Resolution 729, providing for consideration of conference reports the same day reported during the first session of the 92d Congress. Mr. Fletcher Thompson, of Georgia, then moved to reconsider the vote by which the resolution was agreed to. Mr. William M. Colmer, of Mississippi, then offered a motion to table that motion:

MR. COLMER: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER:⁽³⁾ The question is on the motion to table, offered by the gentleman from Mississippi.

The question was taken and the Speaker announced that the ayes appeared to have it.

PARLIAMENTARY INQUIRY

MR. THOMPSON of Georgia: Mr. Speaker, a parliamentary inquiry. According to rule XVIII, section 819, debate on the motion to reconsider:

A motion to reconsider is debatable only if the motion proposed to be reconsidered was debatable.

2. 117 CONG. REC. 45875, 45876, 92d Cong. 1st Sess.

3. Carl Albert (Okla.).

The motion was debatable.

THE SPEAKER: The House is not voting on the motion to reconsider. It is voting on the motion to table. That motion is not debatable.

Tabling of Motion to Instruct Conferees

§ 9.7 A motion to instruct conferees is subject to a motion to table.

On Aug. 8, 1961,⁽⁴⁾ the House was considering H.R. 7576, authorizing appropriations for the Atomic Energy Commission. After Mr. James E. Van Zandt, of Pennsylvania, had offered a motion to instruct the managers on the part of the House at the conference, and after one hour debate thereon, a motion to table was offered.

MR. VAN ZANDT: Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. Van Zandt moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 7576 be instructed not to agree to project 62-a-6, electric energy generating facilities for the new production reactor, Hanford, Wash., \$95 million as contained in the Senate amendment. . . .

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The question is on the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt].

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the

4. 107 CONG. REC. 14949, 14957, 87th Cong. 1st Sess.

5. Carl Albert (Okla.).

motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order. . . .

The question was taken; and there were—yeas 164, nays 235, not voting 38.⁽⁶⁾

§ 9.8 The House has adopted the preferential motion to lay on the table a motion to instruct House conferees.

On Dec. 8, 1970,⁽⁷⁾ the House was considering H.R. 17755, the Department of Transportation Appropriation Act for fiscal 1971. The following occurred:

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Yates moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 17755 be instructed to agree to Senate amendment No. 4. . . .

MR. [EDWARD P.] BOLAND [of Massachusetts]: Mr. Speaker, I offer a privileged motion.

6. See also 115 CONG. REC. 31202-04, 91st Cong. 1st Sess., Oct. 23, 1969; and 96 CONG. REC. 2501-16, 81st Cong. 2d Sess., Feb. 28, 1950.

7. 116 CONG. REC. 40271, 40288, 40289, 91st Cong. 2d Sess.

The Clerk read as follows:

Mr. Boland moves to lay on the table the motion offered by the gentleman from Illinois (Mr. Yates).

THE SPEAKER:⁽⁸⁾ The question is on the motion offered by the gentleman from Massachusetts (Mr. Boland). . . .

The question was taken; and there were—yeas 213, nays 175, answered “present” 1, not voting 45. . . .

So the motion to table was agreed to.⁽⁹⁾

§ 9.9 The House rejected a preferential motion to lay on the table a motion to instruct the House managers at a conference.

On Dec. 18, 1969,⁽¹⁰⁾ the House was considering H.R. 13111, dealing with appropriations for the Department of Labor and HEW for fiscal 1970. After Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to agree to two Senate amendments, Mr. Daniel J. Flood, of Pennsylvania, rose to his feet:

MR. FLOOD: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Flood moves to lay on the table the motion of the gentleman from Massachusetts (Mr. Conte).

8. John W. McCormack (Mass.).

9. See also 115 CONG. REC. 29315, 29316, 31202–04, 91st Cong. 1st Sess., Oct. 23, 1969; and 96 CONG. REC. 2501–16, 81st Cong. 2d Sess., Feb. 28, 1950.

10. 115 CONG. REC. 39826–30, 91st Cong. 1st Sess.

THE SPEAKER:⁽¹¹⁾ The question is on the preferential motion. . . .

The question was taken; and there were—yeas 181, nays 216, not voting 36. . . .

So the preferential motion was rejected.

Since Mr. Conte had informally conducted debate on his motion prior to formally offering it, the question was at this point taken thereon, and the motion adopted.

Tabling of Resolution to Adjourn Sine Die

§ 9.10 A motion to lay on the table a concurrent resolution providing for adjournment *sine die* is in order.

On Mar. 27, 1936,⁽¹²⁾ Mr. Maury Maverick, of Texas, offered a concurrent resolution providing that the two Houses adjourn *sine die*. Mr. William B. Bankhead, of Alabama, then rose to his feet:

MR. BANKHEAD: Mr. Speaker, I move to lay the resolution on the table.

THE SPEAKER:⁽¹³⁾ The question is on the motion to lay the resolution on the table. . . .

The motion to lay the resolution on the table was agreed to, and a motion to reconsider was laid on the table.

Parliamentarian's Note: The resolution providing for adjourn-

11. John W. McCormack (Mass.).

12. 80 CONG. REC. 4512, 4513, 74th Cong. 2d Sess.

13. Joseph W. Byrns (Tenn.).

ment though not debatable is subject to amendment.

Tabling of Motion to Approve the Journal

§ 9.11 A motion to lay on the table a motion to approve the Journal is in order, and takes precedence over the motion for the previous question.

On Sept. 13, 1965,⁽¹⁴⁾ after the Clerk concluded the reading of the Journal, a motion was made that it be approved as read:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.

THE SPEAKER:⁽¹⁵⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order. . . .

The question is on the motion to lay on the table the motion that the Journal be approved as read.

The question was taken; and there were—yeas 138, nays 244, not voting 50.

Tabling of Motion to Rerefer a Bill

§ 9.12 A motion to rerefer a bill to a committee claiming ju-

14. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

15. John W. McCormack (Mass.).

isdiction has been laid on the table.

On Apr. 21, 1942,⁽¹⁶⁾ Mr. Samuel Dickstein, of New York, moved that the bill H.R. 6915, be re-referred from the Committee on the Judiciary to the Committee on Immigration and Naturalization. After the Speaker overruled several points of order against the motion by Mr. Dickstein the following occurred:

MR. [JOHN E.] RANKIN [of Mississippi]: Then, Mr. Speaker, I move to lay on the table the motion of the gentleman from New York.

THE SPEAKER:⁽¹⁷⁾ The question is on the motion offered by the gentleman from Mississippi. . . .

The question was taken; and there were—yeas 238, nays 83, answered “present” 2, not voting 108.

Tabling of Consent Calendar Bill

§ 9.13 A bill called on the Consent Calendar was, by unanimous consent, laid on the table.

On Dec. 17, 1963,⁽¹⁸⁾ the Clerk of the House had just called House Joint Resolution 838, relating to the commission established

16. 88 CONG. REC. 3571, 77th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

18. 109 CONG. REC. 24788, 88th Cong. 1st Sess.

to report on the assassination of President John F. Kennedy. The resolution authorized the commission to compel the attendance of witnesses and the production of records. Mr. Emanuel Celler, of New York, then rose to his feet:

MR. CELLER: Mr. Speaker, an identical bill having passed the House, I ask unanimous consent that House Joint Resolution 852 be tabled.

THE SPEAKER:⁽¹⁹⁾ Is there objection to the request of the gentleman from New York?

There was no objection.

Tabling of Resolution of Impeachment

§ 9.14 The motion to lay on the table applies to resolutions proposing impeachment.

On Jan. 17, 1933,⁽²⁰⁾ Mr. Louis T. McFadden, of Pennsylvania, offered a resolution proposing the impeachment of President Herbert Hoover. After the Clerk concluded reading the resolution Mr. Henry T. Rainey, of Illinois, rose to his feet.

MR. RAINEY: Mr. Speaker, I move to lay the resolution of impeachment on the table.

THE SPEAKER:⁽¹⁾ The gentleman from Illinois moves to lay the resolution of impeachment on the table.

19. John W. McCormack (Mass.).

20. 76 CONG. REC. 1965-68, 72d Cong. 2d Sess.

1. John N. Garner (Tex.).

May the Chair be permitted to make a statement with reference to the rules applying to that motion. The parliamentarian has examined the precedents with reference to the motion. Speaker Clark and Speaker Gillette, under identical conditions, held that a motion to lay on the table took a Member off the floor of the House, although the general rules granted him one hour in which to discuss the resolution of impeachment or privileges of the House. Therefore the motion is in order.

Tabling of Motion to Discharge a Committee

§ 9.15 A motion to discharge a committee from consideration of a vetoed bill is subject to the motion to table.⁽²⁾

On Sept. 7, 1965,⁽³⁾ the Chair recognized Mr. Durward G. Hall, from Missouri.

MR. HALL: Mr. Speaker, I rise to a question of the highest privilege of the House, based directly on the Constitution and precedents, and offer a motion.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The Clerk will report the motion.

The Clerk read as follows:

Motion by Mr. Hall:

Resolved, That the Committee on Armed Services be discharged from further consideration of the bill H.R. 8439, for military construction, with

2. But see § 9.16, *infra*.

3. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess.

4. Carl Albert (Okla.).

the President's veto thereon, and that the same be now considered.

MR. [L. MENDEL] RIVERS [of South Carolina]: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER PRO TEMPORE: The question is on the motion of the gentleman from South Carolina. . . .

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it. . . .

MR. HALL: Is a highly privileged motion according to the Constitution subject to a motion to table?

THE SPEAKER PRO TEMPORE: It is. . . .

The question was taken; and there were—yeas 323, nays 19, not voting 90.

Parliamentarian's Note: The general rule (stated in §9.16, *infra*) is that motions to discharge committees are not subject to a motion to table. Rule XXVII clause 4,⁽⁵⁾ which authorizes motions to discharge committees from consideration of "public bills and resolutions" provides, *inter alia*, that such motions be decided without intervening motion except one motion to adjourn, and thereby precludes motions to lay on the table. However, this rule does not apply to vetoed bills where the motion to discharge is based on the constitutional privilege accorded the consideration of a veto.

5. *House Rules and Manual* §908 (1981).

Therefore, the prohibition against intervening motions on motions to discharge committees does not apply when a motion to discharge is made under another rule of the House or provision of law not governed by rule XXVII clause 4.

§ 9.16 The motion to lay on the table a motion to discharge a committee under rule XXVII clause 4 is not in order.

On June 11, 1945,⁽⁶⁾ a Member sought to obtain consideration of H.R. 7, a bill to outlaw the poll tax, by calling up a motion to discharge the Committee on Rules from further consideration of a resolution providing for consideration of that bill:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I call up the motion to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of the bill (H.R. 7) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

After the Clerk read the resolution, the following occurred:

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER:⁽⁷⁾ That motion is not in order under the rules.

6. 91 CONG. REC. 5892-96, 79th Cong. 1st Sess.

7. Sam Rayburn (Tex.).

Tabling of Resolution of Inquiry

§ 9.17 The motion to lay on the table may be applied to a resolution of inquiry adversely reported from a committee.

On Aug. 16, 1972,⁽⁸⁾ Mr. Charles M. Price, of Illinois, called up House Resolutions 1078 and 1079, directing the Secretary of Defense to furnish certain information to the House of Representatives:

MR. PRICE of Illinois: Mr. Speaker, in view of the fact that this resolution was adversely reported by the House Committee on Armed Services by a rollcall vote of 27 to 5, I move to lay House Resolution 1078 on the table.

THE SPEAKER:⁽⁹⁾ The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion to table was agreed to. . . .

MR. PRICE of Illinois: Mr. Speaker, I call up House Resolution 1079 and ask for its immediate consideration.

The Clerk read the resolution. . . .

MR. PRICE of Illinois: Mr. Speaker, in view of the fact that this resolution was ordered adversely reported to the House on a vote of 31 to 1 by the House Armed Services Committee I move to lay House Resolution 1079 on the table.

THE SPEAKER: The question is on the motion offered by the gentleman from Illinois (Mr. Price).

8. 118 CONG. REC. 28365, 92d Cong. 2d Sess.

9. Carl Albert (Okla.).

The motion to table was agreed to.

A motion to reconsider the votes by which action was taken on both motions to table was laid on the table.⁽¹⁰⁾

§ 9.18 A resolution of inquiry was, by unanimous consent, discharged from the Committee on the Judiciary and laid on the table at the request of its sponsor.

On Oct. 23, 1973, Mr. Paul N. McCloskey, of California, introduced House Resolution 634, a privileged resolution of inquiry, requesting the Attorney General to furnish the House with all documents and items of evidence in the custody of the Watergate Special Prosecutor as of Oct. 20 of that year.

On Nov. 1, 1973,⁽¹¹⁾ after the Attorney General had turned over the documents in question to a federal court, Mr. McCloskey took the following action:

MR. MCCLOSKEY: Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of

10. See also 119 CONG. REC. 6383-85, 93d Cong. 1st Sess., Mar. 6, 1973; 117 CONG. REC. 34266, 92d Cong. 1st Sess., Sept. 30, 1971; 117 CONG. REC. 23030, 23031, 92d Cong. 1st Sess., June 30, 1971; and 111 CONG. REC. 24030, 24033, 24034, 89th Cong. 1st Sess., Sept. 16, 1965.

11. 119 CONG. REC. 35644, 93d Cong. 1st Sess.

House Resolution 634 and that the resolution be laid upon the table.

THE SPEAKER:⁽¹²⁾ Is there objection to the request of the gentleman from California?

There was no objection.

§ 9.19 The House has rejected a motion to lay on the table an adversely reported resolution of inquiry, and after debate, agreed to the resolution.

On Feb. 20, 1952,⁽¹³⁾ Mr. James P. Richards, of South Carolina, offered a privileged resolution, House Resolution 514, directing the Secretary of State to transmit to the House information relating to agreements made between the President of the United States and the Prime Minister of Great Britain. After the Clerk read the resolution and the adverse report thereon by the Committee on Foreign Affairs, the following took place:

MR. RICHARDS: Mr. Speaker, I move that the resolution be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state it.

MR. HALLECK: Mr. Speaker, this is a matter of very considerable impor-

tance. Does the making of this motion at this time preclude all debate, or may we expect that the chairman of the Committee on Foreign Affairs will yield time to those who may want to discuss this matter?

THE SPEAKER: The motion to lay on the table is not debatable. The gentleman from South Carolina cannot yield time after he has made a motion to lay on the table. . . .

The question is on the motion of the gentleman from South Carolina. . . .

The question was taken; and there were—yeas 150, nays 184, not voting 97. . . .

So the motion was rejected.

Debate ensued on the resolution and the proceedings were resolved as follows:

MR. [JOHN M.] VORYS [of Ohio]: Mr. Speaker, I move the previous question.

The previous question was ordered. . . .

The question was taken; and there were—yeas 189, nays 143, not voting 99, as follows. . . .

So the resolution was agreed to.

Raising Question of Consideration

§ 9.20 Parliamentarian's Note: The question of consideration may be raised after a motion to lay on the table has been made.⁽¹⁵⁾

Tabling of Resolution From Rules Committee

§ 9.21 In response to a parliamentary inquiry the

12. Carl Albert (Okla.).

13. 98 CONG. REC. 1205-07, 1215, 1216, 82d Cong. 2d Sess.

14. Sam Rayburn (Tex.).

15. 5 Hinds' Precedents § 4943.

Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules was voted down, a motion to table would be in order and would be preferential.

On Oct. 19, 1966,⁽¹⁶⁾ the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct, when a series of parliamentary inquiries were raised.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, if the previous question is refused, it is true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER:⁽¹⁷⁾ If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion.

§ 9.22 After defeating the motion for the previous ques-

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

17. John W. McCormack (Mass.).

tion on a resolution establishing a select investigative committee reported by the Committee on Rules, the House then voted to table the resolution.

On Mar. 11, 1941,⁽¹⁸⁾ the House was considering House Resolution 120, providing for an investigation of the national military defense capability. Mr. Edward E. Cox, of Georgia, offered an amendment to the resolution and moved the previous question on the amendment and the resolution. The following then occurred:

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁹⁾ The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question. . . .

So the motion for the previous question was rejected.

MR. MAY: Mr. Speaker, I move that House Resolution 120 be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.⁽¹⁾

18. 87 CONG. REC. 2189, 77th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

1. See also 81 CONG. REC. 3291-301, 75th Cong. 1st Sess., Apr. 8, 1937.

§ 9.23 A resolution reported by the Committee on Rules providing a special order of business was, after debate, laid on the table.

On June 15, 1938,⁽²⁾ the House was considering House Resolution 526, providing for the consideration of a joint resolution to establish a Bureau of Fine Arts in the Department of the Interior. After debate, the previous question was rejected and the following transpired:

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I move that the resolution be tabled.

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, I do not yield to the gentleman from Georgia for that purpose unless the same order is entered with reference to my retaining the floor in the event the motion is defeated.

THE SPEAKER:⁽³⁾ Unless there is objection the Chair will consider that the same order shall prevail.

There was no objection.

THE SPEAKER: The gentleman from Georgia moves that the resolution be laid on the table.

The question was taken; and on a division (demanded by Mr. Boileau) there were—ayes 195, noes 35.

So the motion was agreed to.

§ 9.24 A resolution reported by the Committee on Rules has

2. 83 CONG. REC. 9499, 75th Cong. 3d Sess.
3. William B. Bankhead (Ala.).

been laid on the table by unanimous consent.

On Oct. 2, 1963,⁽⁴⁾ the House was considering House Resolution 514, concerning a trip to be made by members of the Committee on Agriculture. Mr. Howard W. Smith, of Virginia, was recognized.

MR. SMITH of Virginia: Mr. Speaker, the Committee on Rules reported House Resolution 514 concerning a trip to be made by members of the Committee on Agriculture. The matter did not get through until after the trip was over. It is now on the Calendar. I ask unanimous consent that House Resolution 514 be laid on the table.

THE SPEAKER:⁽⁵⁾ Without objection, it is so ordered.

There was no objection.

Tabling of Resolution Relating to the Privileges of the House

§ 9.25 A resolution raising a question of the privileges of the House has been laid on the table.

On June 20, 1968,⁽⁶⁾ the House was considering the conference report on H.R. 15414, the Revenue and Expenditure Control Act of 1968, when Mr. H.R. Gross, of

4. 109 CONG. REC. 18583, 88th Cong. 1st Sess.
5. John W. McCormack (Mass.).
6. 114 CONG. REC. 17970–72, 17977, 17978, 90th Cong. 2d Sess.

Iowa, rose to a question of privilege of the House, and offered a resolution (H. Res. 1222) which contended that the Senate in its amendments to the House bill had contravened the Constitution and had infringed on the privileges of the House. After the debate on the resolution had concluded the following occurred:

MR. GROSS: Mr. Speaker, I move the previous question on the resolution.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I move to lay the resolution offered by the gentleman from Iowa on the table.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The question is on the motion offered by the gentleman from Arkansas. . . .

The motion is to lay the resolution on the table.

The question was taken; and there were—yeas 257, nays 162, not voting 14, as follows. . . .

So the motion to table the resolution was agreed to.

Tabling a Motion to Dispense With Further Proceedings Under a Call

§ 9.26 A motion to lay on the table a motion to dispense with further proceedings under a call of the House is not in order since a motion to table may not be applied to a motion which is neither debatable nor amendable.

7. Charles M. Price (Ill.).

On Dec. 18, 1970,⁽⁸⁾ the following occurred after a rollcall in the House:

THE SPEAKER:⁽⁹⁾ On this rollcall 312 Members have answered to their names, a quorum.

Without objection, further proceeding under the call will be dispensed with.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I object to dispensing with further proceedings under the call.

MOTION OFFERED BY MR. ALBERT

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move to dispense with further proceedings under the call.

THE SPEAKER: The question is on the motion of the gentleman from Oklahoma.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move to table that motion.

THE SPEAKER: The motion to dispense with further proceedings under the call is not debatable and is not amendable. The Chair rules that the motion of the gentleman from Missouri is not in order. The question is on the motion of the gentleman from Oklahoma.

The question was taken; and the Speaker announced that the ayes appeared to have it.⁽¹⁰⁾

8. 116 CONG. REC. 42504, 42505, 91st Cong. 2d Sess.

9. John W. McCormack (Mass.).

10. See also 114 CONG. REC. 26453, 90th Cong. 2d Sess., Sept. 11, 1968; and 111 CONG. REC. 23596-98, 89th Cong. 1st Sess., Sept. 13, 1965.

Tabling of Motions Relating to the Order of Business

§ 9.27 The motion to lay on the table may not be applied to a motion relating to the order of business.

On Apr. 22, 1940,⁽¹¹⁾ the following took place on the floor of the House:

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 8980) to provide revenue for the District of Columbia, and for other purposes; and, pending that, I ask unanimous consent that general debate on the bill be limited to 1 hour, one-half to be controlled by the gentleman from Illinois [Mr. Dirksen] and one-half by myself.

MR. [JOHN C.] SCHAFER [of Wisconsin]: Mr. Speaker, a preferential motion. I move to lay the pending motion on the table.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ The Chair may say to the gentleman from Wisconsin that his motion is not in order. It applies to the order of business and is not in order at this time.

§ 9.28 A resolution providing a special order of business, before the House under operation of the discharge rule, is not subject to the motion to

11. 86 CONG. REC. 4860, 76th Cong. 3d Sess.

12. Sam Rayburn (Tex.).

table, since the discharge rule provides that "if the motion prevails to discharge the Committee on Rules from any resolution pending before the committee, the House shall immediately vote on the adoption of said resolution, the Speaker not entertaining any dilatory or other intervening motion except one motion to adjourn."

On June 11, 1945,⁽¹³⁾ the House voted to discharge the Committee on Rules from further consideration of House Resolution 139, providing for the consideration of the bill H.R. 7, which sought to eliminate the payment of the poll tax as a prerequisite to voting in a primary or other election for a national officer. The Speaker, Sam Rayburn, of Texas, announced that the question was on the resolution. At that point, Mr. John E. Rankin, of Mississippi, rose with a parliamentary inquiry:

MR. RANKIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Does that mean that this is the end, that this is the last vote on the resolution?

THE SPEAKER: The last vote today. If the resolution is agreed to, the bill

13. 91 CONG. REC. 5895, 5896, 79th Cong. 1st Sess.

comes up tomorrow under the terms of the resolution.

MR. RANKIN: I thought the other vote was the only vote to be taken today.

THE SPEAKER: The other vote was on the question of discharging the Committee on Rules. This vote is on the resolution to make the bill in order.

MR. RANKIN: I move to lay that motion on the table.

THE SPEAKER: Under the rule, that motion is not in order.

The question is on the resolution.

The question was taken and the Chair announced that the ayes seemed to have it.

Application of Motion in Committee of the Whole

§ 9.29 In response to a parliamentary inquiry, the Chair stated that a motion to table a pending amendment and all amendments thereto was not in order in the Committee of the Whole.

On Apr. 30, 1970,⁽¹⁴⁾ Mr. Samuel S. Stratton, of New York, rose with a parliamentary inquiry:

MR. STRATTON: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁵⁾ The gentleman will state it.

MR. STRATTON: Would it be in order to move at this time that the Reid of New York amendment and all amend-

ments thereto be tabled so that this matter of grave consequence might be considered at another time?

THE CHAIRMAN: A motion to table is not in order at this time.⁽¹⁶⁾

§ 9.30 The motion to lay on the table is not in order in Committee of the Whole.

On Oct. 19, 1945,⁽¹⁷⁾ the House was considering H.R. 4407, to reduce appropriations and contract authorizations for certain departments and agencies. Mr. Emmet O'Neal, of Kentucky, made a point of order against an amendment offered by Mr. John E. Rankin, of Mississippi, on the grounds that the amendment was not germane to the bill. After the Chairman, Fritz G. Lanham, of Texas, sustained the point of order, the following took place:

MR. RANKIN: Mr. Chairman, with all the deference in the world for the distinguished Chairman, whom we all love, I respectfully appeal from the ruling of the Chair.

MR. O'NEAL: Mr. Chairman, I move to lay the appeal on the table.

MR. RANKIN: Mr. Chairman, the appeal cannot be laid on the table. The Committee has a right to vote on it.

THE CHAIRMAN. The motion to lay on the table is not in order in the Committee.⁽¹⁸⁾

14. 116 CONG. REC. 13782, 91st Cong. 2d Sess.

15. Daniel D. Rostenkowski (Ill.).

16. See also 72 CONG. REC. 8959, 71st Cong. 2d Sess., May 14, 1930.

17. 91 CONG. REC. 9846, 9867-70, 79th Cong. 1st Sess.

18. See also 81 CONG. REC. 7698-700, 75th Cong. 1st Sess., July 27, 1937.

Senate Debate on Motion**§ 9.31 In the Senate, the motion to lay an appeal on the table is not debatable.**

On Aug. 2, 1948,⁽¹⁹⁾ 22 Senators signed a cloture petition against a motion to take up the bill H.R. 29, the anti-poll tax bill. Senator Richard B. Russell, of Georgia, submitted a point of order against the cloture petition on the grounds that the Senate rules prohibited the use of the cloture petition against a motion to take up a bill. The President pro tempore, Arthur H. Vandenberg, of Michigan, sustained the point of order, although he stated that his personal feelings were at variance therewith, and he invited the Senate to appeal his ruling.

MR. [ROBERT A.] TAFT [of Ohio]: Mr. President, I appeal from the decision of the Chair chiefly, of course, because it leaves the Senate in an almost impossible situation. A motion to take up is subject to debate and against it under the Chair's decision, a cloture petition cannot lie. Consequently there is no way by which this situation can be changed, except by physical exhaustion, by keeping the Senate in session day in and day out, which I hope will not be necessary, although we shall have to get to it next year unless this proposed change is made. . . .

THE PRESIDENT PRO TEMPORE: The Senator from Ohio has appealed from the decision of the Chair. Therefore, the pending question before the Senate

is, Shall the decision of the Chair stand as the decision of the Senate?

. . .

MR. [KENNETH S.] WHERRY [of Nebraska]: Mr. President, I propound the following inquiry: If a motion is made to lay the appeal on the table, is that motion subject to debate?

THE PRESIDENT PRO TEMPORE: No motion to table is ever subject to debate.⁽²⁰⁾

§ 10 Offering Motion***Demand That Motion Be in Writing*****§ 10.1 A demand that the motion to lay on the table a motion to instruct conferees be in writing comes too late after the motion has been stated and the Chair has responded to several parliamentary inquiries.**

On Aug. 8, 1961,⁽¹⁾ after the House had agreed to send to conference H.R. 7576, authorizing appropriations for the Atomic Energy Commission, Mr. James E. Van Zandt, of Pennsylvania, offered a motion to instruct the House conferees. After one hour of debate on this motion, the following occurred (with Carl Albert,

20. See also 95 CONG. REC. 2273-75. 81st Cong. 1st Sess., Mar. 11, 1949.

1. 107 CONG. REC. 14949-58, 87th Cong. 1st Sess.

of Oklahoma, as the Speaker pro tempore):

THE SPEAKER PRO TEMPORE: The question is on the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt].

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order.

MR. HALLECK: If the motion to table is voted down, will the vote then come on the motion itself?

THE SPEAKER PRO TEMPORE: On ordering the previous question on the motion. . . .

MR. [CHET] HOLIFIELD [of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOLIFIELD: Mr. Speaker, a yeas vote on this motion would dispose of this matter and defeat the motion offered by the gentleman from Pennsylvania [Mr. Van Zandt]?

THE SPEAKER PRO TEMPORE: It would have that effect.

MR. HALLECK: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Mr. Speaker, a vote against tabling the motion offered by

the gentleman from Pennsylvania would give us the right then to vote on the motion which has been offered by the gentleman from Pennsylvania?

THE SPEAKER PRO TEMPORE: The gentleman has properly stated the situation.

MR. VAN ZANDT: Mr. Speaker, is it not a rule of the House that a motion must be at the Clerk's desk in writing?

THE SPEAKER PRO TEMPORE: It must be submitted in writing if a Member at the time insists, but such a demand is not in order at this time. . . .

The question was taken; and there were—yeas 164, nays 235, not voting 38.

§ 11. When in Order

Offering Motion to Table Prior to Debate

§ 11.1 The motion to lay a resolution on the table may be made when the resolution is under consideration but before the Member entitled to recognition on the resolution has obtained the floor for debate.

On Jan. 17, 1933,⁽²⁾ Mr. Louis T. McFadden, of Pennsylvania, offered a resolution proposing an investigation into the possible impeachment of President Herbert Hoover. After the reading of the

2. 76 CONG. REC. 1965–68, 72d Cong. 2d Sess.

resolution had been interrupted by several parliamentary inquiries, and after Mr. McFadden had sought to determine whether his hour's time for debate would be protected, the following occurred:

The Clerk concluded the reading of the resolution.

MR. [HENRY T.] RAINEY [of Illinois]: Mr. Speaker, I move to lay the resolution of impeachment on the table.

THE SPEAKER:⁽³⁾ The gentleman from Illinois moves to lay the resolution of impeachment on the table.

May the Chair be permitted to make a statement with reference to the rules applying to that motion. The parliamentarian has examined the precedents with reference to the motion. Speaker Clark and Speaker Gillette, under identical conditions, held that a motion to lay on the table took a Member off the floor of the House, although the general rules granted him one hour in which to discuss the resolution of impeachment or privileges of the House. Therefore the motion is in order.

§ 11.2 A motion to table is a preferential motion, and is in order before a Member begins debate on a motion to expunge from the Record words ruled out of order.

On June 16, 1947,⁽⁴⁾ Mr. John E. Rankin, of Mississippi, demanded that certain words read

3. John N. Garner (Tex.).

4. 93 CONG. REC. 7065, 80th Cong. 1st Sess.

from a telegram by Mr. Chet Holifield, of California, be taken down. After the Speaker ruled the words out of order as being unparliamentary, the following occurred:

MR. RANKIN: Mr. Speaker, I move to strike the entire statement from the Record, and on that I ask for recognition.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, I move to lay that motion on the table.

MR. RANKIN: Mr. Speaker, I have already been recognized.

THE SPEAKER:⁽⁵⁾ A motion to table is preferential and not debatable.

The question is upon the motion offered by the gentleman from New York [Mr. Marcantonio] that the motion be tabled. . . .

The question was taken; and on a division (demanded by Mr. Marcantonio) there were—ayes 10, noes 147.

So the motion to table was rejected.

Application to Resolution Disapproving Reorganization Plan

§ 11.3 A motion to proceed to the consideration of a resolution disapproving a reorganization plan is not subject to the motion to table.

On June 8, 1961,⁽⁶⁾ Mr. H. R. Gross, of Iowa, had moved that the House resolve itself into the Committee of the Whole House on

5. Joseph W. Martin, Jr. (Mass.).

the state of the Union for the consideration of House Resolution 303, disapproving a reorganization plan transmitted to the Congress by the President. Mr. Byron G. Rogers, of Colorado, rose to his feet with a parliamentary inquiry:

MR. ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The gentleman will state it.

MR. ROGERS of Colorado: Mr. Speaker, is a motion to lay this motion on the table in order?

THE SPEAKER PRO TEMPORE: It would not be in order at this time.

The question is on the motion offered by the gentleman from Iowa [Mr. Gross].

The motion was rejected.

§ 12. As Related to Other Motions; Precedence

As Related to the Previous Question

§ 12.1 The motion to lay on the table takes precedence over the motion for the previous question; pending the demand for the previous question the motion to lay on the table is preferential and in order.

On Dec. 14, 1970,⁽⁸⁾ the House was considering House Resolution

7. Oren Harris (Ark.).

8. 116 CONG. REC. 41372-74, 91st Cong. 2d Sess.

1306, asserting the privileges of the House relating to printing and publishing of a report of the Committee on Internal Security. The following then occurred:

THE SPEAKER:⁽⁹⁾ The gentleman from Missouri moves the previous question on the resolution.

PREFERENTIAL MOTION OFFERED BY
MR. STOKES

MR. [LOUIS] STOKES [of Ohio]: Mr. Speaker, I offer a preferential motion. The Clerk read as follows:

Mr. Stokes moves to lay the resolution on the table.

PARLIAMENTARY INQUIRY

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ICHORD: This is a preferential motion to lay the previous question on the table. What would be the parliamentary situation if the previous question is laid on the table? This is not the adoption of the resolution, but a motion with respect to the previous question.

THE SPEAKER: If the motion to lay the resolution on the table is not agreed to, then the question would be on ordering the previous question. Then the next vote would be on the adoption of the resolution.

The question is on the motion offered by the gentleman from Ohio (Mr. Stokes) to lay the resolution on the table. . . .

9. John W. McCormack (Mass.).

The question was taken; and there were—yeas 55, nays 301, not voting 77. . . .

So the motion to table was rejected.

. . .

THE SPEAKER: The question is on ordering the previous question.

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

MR. ICHORD: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 54, not voting 77.⁽¹⁰⁾

§ 12.2 In response to parliamentary inquiries the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules was voted down, a motion to table would be in order and would be preferential.

On Oct. 19, 1960,⁽¹¹⁾ the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct, when Mr. Wayne L. Hays, of Ohio, rose with a parliamentary inquiry:

MR. HAYS: Mr. Speaker, a parliamentary inquiry.

10. See also 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess., Sept. 13, 1965.

11. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

THE SPEAKER:⁽¹²⁾ The gentleman will state his parliamentary inquiry.

MR. HAYS: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER: If the previous question is defeated, then the resolution is open to further consideration and action and debate.

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. WAGGONER: Mr. Speaker, under the rules of the House, is it not equally so that a motion to table would then be in order?

THE SPEAKER: At that particular point, that would be a preferential motion.

§ 12.3 Following a negative vote on a motion to lay on the table a motion to instruct conferees, the question next occurs on ordering the previous question on the motion to instruct.

On Aug. 8, 1961,⁽¹³⁾ the House was considering H.R. 7576, authorizing appropriations for the Atomic Energy Commission, when the Speaker pro tempore, Carl Albert, of Oklahoma, announced that the question was on the mo-

12. John W. McCormack (Mass.).

13. 107 CONG. REC. 14957–59, 15001, 87th Cong. 1st Sess.

tion offered by Mr. James E. Van Zandt, of Pennsylvania, to instruct conferees.

MR. [CLARENCE] CANNON [of Missouri]: Mr. Speaker, I move that the motion to instruct conferees be laid on the table.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALLECK: Under the rules of the House, is this motion to table in order?

THE SPEAKER PRO TEMPORE: The motion is in order.

MR. HALLECK: If the motion to table is voted down, will the vote then come on the motion itself?

THE SPEAKER PRO TEMPORE: On ordering the previous question on the motion.

As Related to the Motion to Dispense With Further Proceedings Under a Call

§ 12.4 A motion to dispense with further proceedings under a call of the House is not subject to a motion to table.

On May 4, 1960,⁽¹⁴⁾ following three separate quorum calls, motions to dispense with further proceedings under the call were made and the previous question demanded thereon. Motions to lay

the motions for the previous question on the table were then offered. No point of order was raised against any of these motions to table. On the first two occasions the latter motions were entertained, voted upon, and defeated. On the third occasion, Speaker Sam Rayburn, of Texas, stated that the motion to dispense with further proceedings under a call of the House was neither debatable nor amendable; therefore, neither the demand for the previous question, nor the motion to lay on the table was applicable thereto.

As Related to the Motion to Re-commit

§ 12.5 A motion in the House that a Senate amendment be laid on the table is of higher privilege than a motion to refer the amendment to a committee.

On June 17, 1936,⁽¹⁵⁾ the House rejected the conference report on the bill H.R. 11663, to regulate lobbying. The Clerk had proceeded to report the Senate amendment when Mr. Earl C. Michener, of Michigan, rose to his feet.

MR. MICHENER: Mr. Speaker, I move that the Senate amendment be laid on the table.

14. 106 CONG. REC. 9410-18, 86th Cong. 2d Sess.

15. 80 CONG. REC. 9743-53, 74th Cong. 2d Sess.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I offer a preferential motion, that the conference report and the Senate amendment be re-committed to the Committee on the Judiciary.

MR. MICHENER: Mr. Speaker, my understanding of the rule is that the motion suggested by the gentleman from New York is not preferential.

THE SPEAKER:⁽¹⁶⁾ The Chair is of the opinion that the motion made by the gentleman from Michigan has priority. The question is on the motion of the gentleman from Michigan to lay the Senate amendment on the table.

The motion was agreed to.

Parliamentarian's Note: If the motion to table a Senate amendment prevails, it results in the final disposition of the bill as well as the Senate amendment.

§ 13. Taking From the Table

By Unanimous Consent

§ 13.1 The proceedings whereby a bill was laid on the table were vacated by unanimous consent.

On May 4, 1959,⁽¹⁾ the House was considering the bill H.R. 5610, to amend the Railroad Retirement Act of 1937, the Railroad

Retirement Tax Act, and the Railroad Unemployment Insurance Act.

MR. [OREN] HARRIS [of Arkansas]: Mr. Speaker, I ask unanimous consent that the proceedings whereby the bill H.R. 5610 was laid on the table, the amendment agreed to, the bill engrossed and read a third time, and passed, be vacated for the purpose of offering an amendment. . . .

THE SPEAKER:⁽²⁾ Is there objection to the request of the gentleman from Arkansas (Mr. Harris)?

There was no objection.

Parliamentarian's Note: A few days earlier, on Apr. 30, 1959, while the House had under consideration H.R. 5610, the Senate messaged to the House S. 226, a measure differing in only one respect from the House bill as it had been amended on the floor. After passage of H.R. 5610, a motion was adopted to strike out all after the enacting clause in S. 226 and insert the language of the House bill, and the House bill was then laid on the table. The following day, shortly before the Senate bill was to be messaged to the Senate, a question was raised as to the constitutionality of the Senate-passed bill because of a tax feature therein. The proceedings in the House on May 4, 1959, were necessitated by the fact that all bills containing revenue provi-

16. William B. Bankhead (Ala.).

1. 105 CONG. REC. 7310-13, 86th Cong. 1st Sess.

2. Sam Rayburn (Tex.).

sions must, under article I, section 7 of the Constitution, originate in the House. Following the amendment of the House bill and the indefinite postponement of the Senate bill, the House bill, H.R. 5610, was messaged to the Senate.

§ 13.2 It is in order by unanimous consent to consider a resolution that has been laid on the table.

On May 22, 1935,⁽³⁾ the following occurred on the floor of the House:

MR. [WILLIAM M.] CITRON [of Connecticut]: Mr. Speaker, I ask unanimous consent to take from the table House Joint Resolution 107, authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

THE SPEAKER: ⁽⁴⁾ Is there objection to the request of the gentleman from Connecticut?

There being no objection, the Clerk read the resolution.

D. MOTIONS FOR THE PREVIOUS QUESTION

§ 14. In General

A motion for the previous question is used to close debate and bring the pending matter to a vote.⁽⁵⁾ It is also used to foreclose further amendments and bring the House to a decision on the pending question. It is not in order in the Committee of the Whole.⁽⁶⁾

The previous question is considered a fundamental rule of par-

liamentary procedure, and as such it is in order even before the rules of the House have been adopted.⁽⁷⁾ The motion takes precedence over all other motions except the motion to adjourn and the motion to lay on the table,⁽⁸⁾ but once moved, the motion itself is not subject to a motion to table.⁽⁹⁾

The defeat of the motion for the previous question has two general effects. It throws the main question open to further consider-

3. 79 CONG. REC. 8026, 74th Cong. 1st Sess.

4. Joseph W. Byrns (Tenn.).

5. Rule XVII clause 1, *House Rules and Manual* § 804 (1981); 8 CANNON'S PRECEDENTS § 2662; and 5 HINDS' PRECEDENTS § 5456.

6. See § 14.8, *infra*.

7. See § 14.1, *infra*.

8. Rule XVI clause 4, *House Rules and Manual* § 782 (1981).

9. 5 HINDS' PRECEDENTS §§ 5410, 5411.

ation⁽¹⁰⁾ and it transfers the right of recognition to those Members who opposed the motion.⁽¹¹⁾

The motion is neither debatable⁽¹²⁾ nor, according to Jefferson's Manual, amendable.⁽¹³⁾ Jefferson's Manual also makes it clear that the motion for the previous question is not subject to a motion to postpone.⁽¹⁴⁾

The motion may not be moved on a proposition against which a point of order is pending.⁽¹⁵⁾ Further consideration of a measure has been permitted by unanimous consent after the previous question had been ordered⁽¹⁶⁾ although the precedents are not uniform in this regard.⁽¹⁷⁾

The previous question may be demanded by the Member in charge of debate on a particular measure.⁽¹⁸⁾ If the Member in charge of a measure claims the floor in debate, another Member may not demand the previous question.⁽¹⁹⁾ The Member control-

ling debate may be recognized to move the previous question even after he has surrendered the floor in debate.⁽²⁰⁾ If the Member controlling the floor on a measure yields to a second Member to offer an amendment, a third Member may move the previous question before the second Member is recognized to offer his amendment.⁽¹⁾

Any Member properly recognized on the floor may offer the motion although the effect may be to deprive the Member in charge of control of his measure.⁽²⁾ Any Member having the floor may move the previous question after debate if the Member in charge of the measure does not so move.⁽³⁾

Forty minutes of debate are allowed when the previous question is ordered on a debatable proposition on which there has been no debate.⁽⁴⁾ However, if there has been any debate at all prior to the

10. See generally §22, *infra*.

11. See generally §23, *infra*.

12. Rule XVI clause 4, *House Rules and Manual* §782 (1981).

13. *House Rules and Manual* §452 (1981).

14. *Id.* at §451.

15. 8 Cannon's Precedents §§2681, 3433.

16. See §14.13, *infra*.

17. See §15.18, *infra*.

18. See §16.1, *infra*.

19. *House Rules and Manual* §807 (1981); and 2 Hinds' Precedents §1458.

20. *House Rules and Manual* §807 (1981); and 8 Cannon's Precedents §2682.

1. See §18.3, *infra*, and *House Rules and Manual* §807 (1981).

2. *House Rules and Manual* §807 (1981); 8 Cannon's Precedents §2685; and 5 Hinds' Precedents §5476.

3. *House Rules and Manual* §807 (1981); and 5 Hinds' Precedents §5475.

4. Rule XXVII clause 3, *House Rules and Manual* §907 (1981). See §§21.2–21.4, *infra*.

ordering of the previous question, there is no right to 40 minutes of debate.⁽⁵⁾ Such prior debate must have been on the merits of the proposition in order to preclude the 40 minutes permissible under Rule XXVII clause 3.⁽⁶⁾ The 40 minutes of debate may not be demanded on a proposition which has been debated in the Committee of the Whole⁽⁷⁾ nor on a conference report if the subject matter of the report was debated before being sent to conference.⁽⁸⁾ If the previous question is ordered solely on an amendment which has not been debated, the 40 minutes are permitted⁽⁹⁾ but they are not permitted if the previous question covers both an amendment and the main proposition, which has been debated.⁽¹⁰⁾

5. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §§5499-5501.

6. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5502.

7. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5505.

8. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §§5506, 5507.

9. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5503.

10. *House Rules and Manual* §805 (1981); and 5 Hinds' Precedents §5504.

Application of Motion Prior to Adoption of the House Rules

§ 14.1 The previous question is applicable in the House prior to the adoption of rules.

On Jan. 10, 1967,⁽¹¹⁾ prior to the formal adoption of the rules of the House, the House was considering House Resolution 1, relating to the right of Adam Clayton Powell to take the oath of office as a Representative from New York. Mr. Joe D. Waggoner, Jr., of Louisiana, rose to his feet and posed a parliamentary inquiry:

MR. WAGGONER: Mr. Speaker, at the conclusion of whatever time the gentleman from Arizona chooses to use in the consideration of this matter, under the rules of the House will the House have the usual privilege of voting up or down the previous question?

The Speaker⁽¹²⁾ held that under the precedents applicable prior to the adoption of the rules, the previous question could be offered.⁽¹³⁾

Scope of Motion

§ 14.2 The previous question may be asked and ordered upon a single motion, a series of motions, or an amend-

11. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

12. John W. McCormack (Mass.).

13. See also 111 CONG. REC. 19, 20, 89th Cong. 1st Sess., Jan. 4, 1965.

ment or amendments, or may be made to embrace all motions or amendments pending, and if not otherwise specified it applies to all pending motions or amendments.⁽¹⁴⁾

On July 14, 1942,⁽¹⁵⁾ the House was considering amendments reported from conference in disagreement on H.R. 6709, appropriations for agriculture for 1943. Mr. Malcolm C. Tarver, of Georgia, offered a motion that the House insist on its disagreement to Senate amendments numbered 83, 85, and 86. Mr. Clarence Cannon, of Missouri, then offered the preferential motion that the House recede from its disagreement to amendment No. 85, and concur therein with an amendment. At the conclusion of the ensuing debate, Mr. Tarver moved and the House ordered the previous question. When a quorum failed on Mr. Cannon's motion, the House adjourned. The next day,⁽¹⁶⁾ the House rejected Mr. Cannon's motion and the question recurred on Mr. Tarver's motion. At this point, Mr. John Taber, of New York, rose.

MR. TABER: Mr. Speaker, a parliamentary inquiry.

14. Rule XVII clause 1, *House Rules and Manual* § 804 (1981).

15. 88 CONG. REC. 6155-58, 77th Cong. 2d Sess.

16. *Id.* at pp. 6194, 6195.

THE SPEAKER:⁽¹⁷⁾ The gentleman will state it.

MR. TABER: Has the previous question been ordered upon this particular motion?

THE SPEAKER: The previous question was ordered on both motions on yesterday.

MR. TABER: The Record indicates that the gentleman from Georgia [Mr. TARVER] moved the previous question, but it does not say on what the previous question was ordered. I assumed it meant that the gentleman had moved the previous question upon the Cannon motion.

THE SPEAKER: Unless otherwise specified, the previous question is ordered on all motions pending at the time.

Divisibility

§ 14.3 A motion for the previous question on an amendment to a resolution and the adoption of the resolution is not divisible.

On April 25, 1940,⁽¹⁸⁾ the House was considering House Resolution 289, providing for consideration of H.R. 5435, amendments to the wage-hour law.

MR. [PHIL] FERGUSON [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The gentleman will state it.

17. Sam Rayburn (Tex.).

18. 86 CONG. REC. 5051, 76th Cong. 3d Sess.

19. Sam Rayburn (Tex.).

MR. FERGUSON: Did I understand the Chair to say that the motion was on ordering the previous question on the amendment and the adoption of the rule?

THE SPEAKER PRO TEMPORE: The gentleman from Georgia moves the previous question on the amendment and on the resolution.

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. FISH: Mr. Speaker, would it be in order to have separate votes on the two propositions?

THE SPEAKER PRO TEMPORE: A motion for the previous question cannot be divided.

Renewing the Motion

§ 14.4 The previous question, although moved and rejected, may be renewed after intervening business.

On Jan. 3, 1969,⁽²⁰⁾ the House was considering House Resolution 1 offered by Mr. Emanuel Celler, of New York, dealing with certain fines and punishments proposed against Mr. Adam C. Powell, of New York. After the previous question had been defeated, Mr. Clark MacGregor, of Minnesota, offered a resolution which the Chair ruled out on a point of order. Mr. Celler once again

20. 115 CONG. REC. 25-27, 91st Cong. 1st Sess.

moved the previous question on the resolution and uncertainty arose as to the parliamentary situation. Mr. Albert W. Watson, of South Carolina, rose with a parliamentary inquiry:

MR. WATSON: Mr. Speaker, perhaps I may be alone in my lack of understanding as to exactly what is transpiring at the moment, but, perhaps, there may be some others who might be in a similar situation.

My parliamentary inquiry is this: Once the previous question has been rejected as it was a moment ago on the original Celler resolution, is it not in order for a substitute resolution to be offered by another Member of this body?

THE SPEAKER:⁽²¹⁾ The Chair will state in response to the gentleman's parliamentary inquiry that an amendment in the nature of a substitute was offered and a point of order was made against it. The Chair sustained the point of order, and at this point a motion to move the previous question is again in order.

MR. WATSON: Further, Mr. Speaker, there having been no further business having transpired between that vote which we took a moment ago, and by a vote of almost 2 to 1 rejected the previous question, is it not in order for another substitute to be offered?

THE SPEAKER: The Chair will state that business has been transacted during that period of time.

Application of Motion to Private Bills

§ 14.5 It is in order to move the previous question on indi-

21. John W. McCormack (Mass.).

vidual private bills on the calendar.

On Apr. 7, 1936,⁽¹⁾ during the call of the Private Calendar, the House was considering S. 2682 for the relief of Chief Carpenter William F. Twitchell of the U.S. Navy, when the following occurred:

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽²⁾ The gentleman will state it.

MR. O'CONNOR: Would a motion to move the previous question on the bill preclude the offer of (an) amendment?

THE SPEAKER: The ordering of the previous question would preclude the offering of amendments and serve to close debate.

Approval of Journal

§ 14.6 The motion for the previous question applies to the question of the approval of the Journal.

On June 25, 1949,⁽³⁾ after the Clerk finished the reading of the Journal, the following took place:

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, I move that the Journal as read stand approved;

1. 80 CONG. REC. 5075, 74th Cong. 2d Sess.
2. Joseph W. Byrns (Tenn.).
3. 95 CONG. REC. 10092, 10093, 81st Cong. 1st Sess.

and on that motion I move the previous question.

THE SPEAKER:⁽⁴⁾ The question is on ordering the previous question.

MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, on that I demand the yeas and nays.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I demand the yeas and nays on ordering the previous question.

The yeas and nays were ordered.

Preamble of Resolution

§ 14.7 Ordering the previous question on a pending resolution does not cover the preamble thereto; and a motion to order the previous question on the preamble is in order following the vote whereby the resolution is agreed to.

On Mar. 1, 1967,⁽⁵⁾ the House was considering House Resolution 278, relating to the right of Representative-elect Adam Clayton Powell to be sworn. A motion by Mr. Thomas B. Curtis, of Missouri, for the previous question on his amendment to the resolution and on the resolution itself was adopted, after which the amendment and resolution were ap-

4. Sam Rayburn (Tex.).

5. 113 CONG. REC. 5038, 5039, 90th Cong. 1st Sess.

proved. The following then occurred:

MR. CURTIS: Mr. Speaker, I move the previous question on the adoption of the preamble.

MR. [PHILLIP] BURTON of California: Mr. Speaker, a point of order.

THE SPEAKER:⁽⁶⁾ The gentleman from California will state his point of order.

MR. BURTON of California: The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentleman's request and/or motion is out of order. I think the record of the proceedings of the House will indicate that the point being advocated reflects accurately the proceedings as they have transpired.

THE SPEAKER: The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

Parliamentarian's Note: The previous question could apply to the preamble of a resolution if the proponent of the motion so specifies in offering the motion. See 5 Hinds' Precedents §§ 5469, 5470.

Committee of the Whole

§ 14.8 The motion for the previous question is not in order

6. John W. McCormack (Mass.).

in the Committee of the Whole.

On Nov. 17, 1967,⁽⁷⁾ the Committee of the Whole was considering H.R. 13893, dealing with foreign aid appropriations for fiscal 1968.

MR. [PAUL C.] JONES of Missouri: Mr. Chairman, reserving the right to object, is it in order to move the previous question on this amendment now, inasmuch as we have had considerable debate on it, and I have been trying to receive recognition for approximately half an hour, but now I am willing to forgo my time.

THE CHAIRMAN:⁽⁸⁾ The Chair will state that the moving of the previous question is not in order in the Committee of the Whole.⁽⁹⁾

§ 14.9 The previous question may be moved on a number of amendments reported from the Committee of the Whole leaving certain other amendments reported from such Committee for further consideration in the House.

On Dec. 10, 1937,⁽¹⁰⁾ the Committee of the Whole had consid-

7. 113 CONG. REC. 32964, 90th Cong. 1st Sess.

8. Charles M. Price (Ill.).

9. See also 112 CONG. REC. 18111, 18112, 89th Cong. 2d Sess., Aug. 3, 1966 (H.R. 14765); and 110 CONG. REC. 457, 88th Cong. 2d Sess., Jan. 16, 1964.

10. 82 CONG. REC. 1285-88, 75th Cong. 2d Sess.

ered H.R. 8505, a farm bill, and had reported that bill to the House along with certain amendments. The following then occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered.

THE SPEAKER:⁽¹¹⁾ Is a separate vote demanded on any amendment?

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Will there be an opportunity for a separate vote on the Boileau amendment?

MR. JONES: I may say to the gentleman I am about to ask for a separate vote on it.

MR. BOILEAU: I confess I am not familiar with the procedure in the situation now before the House as to the effect of ordering the previous question on all amendments except the Boileau amendment.

THE SPEAKER: The previous question has already been ordered by the House, thus bringing to an immediate vote all amendments except the so-called Boileau amendment. The gentleman from Texas is now demanding a separate vote upon certain amendments. The Chair will recognize the gentleman from Wisconsin to demand a separate vote upon his amendment if

the gentleman from Texas does not do so. . . .

MR. JONES: Mr. Speaker, I ask for a separate vote on four amendments.

I ask first for a separate vote on the so-called Ford amendment, striking out and inserting language on page 6, lines 5 to 17, inclusive. I also ask for a separate vote on a similar amendment which was offered by the gentleman from Mississippi [Mr. Ford], on page 4, line 21. This is a corrective amendment, and, inasmuch as it is a technical amendment made necessary by the other Ford amendment, I ask unanimous consent, Mr. Speaker, that the two amendments may be considered together.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. JONES: Mr. Speaker, I ask also for a separate vote on the so-called Boileau amendment, inserting language on page 9, line 4.

I also ask for a separate vote on the so-called Coffee amendment, which struck out part III of title III, relating to marketing quotas on wheat.

THE SPEAKER: Is a separate vote demanded on any other amendment?

MR. [SCOTT W.] LUCAS [of Illinois]: Mr. Speaker, I demand a separate vote on the Jones amendment.

THE SPEAKER: The gentleman from Illinois demands a separate vote on the Jones amendment, which he has described heretofore. For the purpose of the Record, will the gentleman cite to the Chair the page to which the amendment was offered?

MR. JONES: Mr. Speaker, my amendment strikes out, beginning with line

11. William B. Bankhead (Ala.).

14, on page 14, the remaining part of the paragraph down to and including line 9, on page 15.

MR. BOILEAU: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Mr. Speaker, the gentleman from Texas [Mr. Jones] has moved the previous question on all amendments except the Boileau amendment. I do not recall a similar situation since I have been a Member of the House, and I frankly confess I do not know the effect of the motion of the gentleman from Texas. I would appreciate it if the Speaker would explain to the Members of the House the present status of the Boileau amendment.

Am I correct in my understanding of the present situation that because of the previous question having been ordered on all amendments other than the Boileau amendment there is no longer opportunity for debate on such amendments, but that, the previous question not having been ordered on the Boileau amendment, there is opportunity for debate on it unless the previous question is ordered?

THE SPEAKER: Unless the previous question is ordered on the Boileau amendment, if a Member should seek recognition to debate the amendment the Chair would recognize that right.

MR. BOILEAU: If a motion for the previous question were made and the previous question ordered on the Boileau amendment, would that amendment then be in the same position before this body as the other amendments?

THE SPEAKER: It would, except the previous question has already been or-

dered on the other amendments, and under the present situation the amendments upon which the previous question is ordered will be put to a vote and disposed of before the Boileau amendment is before the House for consideration.

House as in Committee of the Whole

§ 14.10 Debate in the House as in the Committee of the Whole may be closed by ordering the previous question.

On July 28, 1969,⁽¹²⁾ the House was proceeding as in Committee of the Whole to consider H.R. 9553, amending the District of Columbia Minimum Wage Act.

MR. [JOHN] DOWDY [of Texas]: Mr. Speaker, I move the previous question.

THE SPEAKER:⁽¹³⁾ The question is on ordering the previous question.

Motion to Suspend the Rules Not Subject to Demand for Previous Question

§ 14.11 The motion for the previous question is not applicable where a motion is made to suspend the rules and agree to a resolution.

On June 18, 1948,⁽¹⁴⁾ the House was considering S. 2655, the Se-

12. 115 CONG. REC. 20855, 91st Cong. 1st Sess.

13. John W. McCormack (Mass.).

14. 94 CONG. REC. 8829, 8830, 80th Cong. 2d Sess.

lective Service Act of 1948, when the following occurred:

MR. [WALTER G.] ANDREWS [of New York]: Mr. Speaker, I move to suspend the rules and pass the resolution, House Resolution 690, which I send to the desk.

THE SPEAKER:⁽¹⁵⁾ The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the House insist upon its amendment to S. 2655, ask a conference with the Senate on the disagreeing votes, and that the Speaker immediately appoint conferees.

A discussion arose as to how to insist on certain provisions of the House amendments to the Senate bill. Mr. John E. Rankin, of Mississippi, then offered the following advice to Mr. Vito Marcantonio, of New York:

MR. RANKIN: I wish to say that if the gentleman wishes to do so, as soon as the previous question is ordered it is in order to offer a motion to instruct conferees. That is the rule of the House that has always been followed.

THE SPEAKER: The Chair will inform the gentleman from Mississippi that there is no previous question to be ordered, that the House is now considering under a suspension of the rules House Resolution 690, which carries the following provision:

That the House insist upon its amendments to the bill of the Senate, S. 2655, ask for a conference with the Senate on the disagreeing votes of the two Houses, and that

the Speaker immediately appoint conferees.

MR. RANKIN: Mr. Speaker, will the gentleman yield?

MR. MARCANTONIO: I yield to the gentleman from Mississippi.

MR. RANKIN: It has always been the rule and it is the rule now.

THE SPEAKER: But this is under a suspension of the rules and it would not be in order after the adoption of the pending resolution to offer such a motion.

Application to Nondebatable Resolutions

§ 14.12 The motion for the previous question may not be applied to a resolution brought up under a motion to discharge where the resolution itself is not debatable under the discharge rule.

On Sept. 27, 1965,⁽¹⁶⁾ Mr. Abraham J. Multer, of New York, called up discharge motion No. 5, to discharge the Committee on Rules from the further consideration of House Resolution 515, providing for the consideration of H.R. 4644, to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia. Mr. Howard W. Smith, of Virginia, and the Speaker, John W. McCormack, of Massachusetts,

15. Joseph W. Martin, Jr. (Mass.).

16. 111 CONG. REC. 25180-85, 89th Cong. 1st Sess.

discussed the procedure for the consideration of the resolution.

MR. SMITH of Virginia: Mr. Speaker, this motion to discharge is directed at the Committee on Rules. If adopted, it will discharge the Committee on Rules from the consideration of the resolution which has just been brought up; am I correct in that?⁽¹⁷⁾

THE SPEAKER: The gentleman's statement is correct.

MR. SMITH of Virginia: And Mr. Speaker, after that happens, the next question will be on the resolution itself, which has just been referred to, which has just been called up?

THE SPEAKER: The gentleman's statement is correct.

MR. SMITH of Virginia: Now, Mr. Speaker, that resolution waives points of order. There are grave points of order in the bill that is to be recognized. The question I want to ask is whether there will be an opportunity in debate on the rule to advise the House of the facts that it does waive the points of order and that there are points of order with which the House ought to be made familiar.

THE SPEAKER: The Chair will state that under the rule on the question of discharge there is 20 minutes, 10 minutes to the side, and that will close debate on the motion. The House will then vote on the adoption of House Resolution 515 without debate or other intervening motions.

MR. SMITH of Virginia: And, as I understand it, then there will be no opportunity to discuss the resolution itself on which we are about to vote?

THE SPEAKER: Not under the standing rules of the House.

MR. SMITH of Virginia: Now, Mr. Speaker, a further parliamentary inquiry. Will it be in order to move the previous question on the resolution?

THE SPEAKER: The Chair will state that under the rules of the House in a matter of this kind there is no debate and the previous question will not be in order.

Previous Question Vitiated by Unanimous-consent Request

§ 14.13 Unanimous consent was granted for the consideration of a substitute for an amendment adopted in the Committee of the Whole, even though the previous question had been ordered.⁽¹⁸⁾

On Aug. 22, 1944,⁽¹⁹⁾ the Committee of the Whole was considering H.R. 5125, dealing with the disposal of surplus government property and plants.

The proceedings were as follows:

THE CHAIRMAN:⁽²⁰⁾ The question now recurs on the adoption of the committee substitute.

The committee substitute was agreed to.

THE CHAIRMAN: Under the rule, the Committee will rise.

18. But see § 15.18, *infra*.

19. 90 CONG. REC. 7215, 7216, 78th Cong. 2d Sess.

20. R. Ewing Thomason (Tex.).

17. Motions to discharge are provided for in Rule XXVII clause 4, *House Rules and Manual* § 908 (1981).

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Thomason, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H.R. 5125) to provide for the disposal of surplus Government property and plants and for other purposes, pursuant to House Resolution 620, reported the same back to the House with an amendment adopted in the Committee of the Whole.

[The special rule providing for the consideration of the bill specified that the committee substitute should be considered for amendment as an original bill, and that separate votes could be had in the House on any amendment adopted in the Committee of the Whole to the bill or committee substitute.]

THE SPEAKER:⁽¹⁾ Under the rule, the previous question is ordered.

Under the rule, also, the substitute being considered as an original bill, any Member may ask for a separate vote on any amendment to the substitute.

Is a separate vote demanded on any amendment?

MR. [CARTER] MANASCO [of Alabama]: Mr. Speaker, I ask for a separate vote on the so-called Mott amendment.

At the direction of the Speaker the Clerk read the amendment offered by Mr. James W. Mott, of Oregon. Mr. Warren G. Magnuson, of Washington, then rose.

1. Sam Rayburn (Tex.).

MR. MAGNUSON: Mr. Speaker——

THE SPEAKER: For what purpose does the gentleman rise?

MR. MAGNUSON: Mr. Speaker, I ask unanimous consent to submit at this time a substitute for the Mott amendment. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Washington?

There was no objection.

MR. MAGNUSON: Mr. Speaker, I offer a substitute amendment.

The Clerk then read the substitute offered by Mr. Magnuson.

THE SPEAKER: The question is on the substitute.

The substitute was agreed to.

§ 14.14 An objection was raised to a unanimous-consent request to permit one hour of debate on a motion to send a bill to conference, on which motion the previous question had been ordered after brief debate.

On July 9, 1970,⁽²⁾ Mr. Thomas E. Morgan, of Pennsylvania, was recognized, and the following occurred:

MR. MORGAN: Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Foreign Affairs, I move to take from the Speaker's table the bill (H.R. 15628) to amend the Foreign Military Sales Act, with Senate amendments

2. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

THE SPEAKER:⁽³⁾ The gentleman from Pennsylvania (Mr. Morgan) is recognized for 1 hour on his motion.

Mr. Morgan: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question.

However, a brief debate ensued, after which the following occurred:

MR. MORGAN: Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: The question is on ordering the previous question. . . .

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

So the previous question was ordered. . . .

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

THE SPEAKER: The question is on the motion offered by the gentleman from Pennsylvania (Mr. Morgan).

The motion was agreed to.

3. John W. McCormack (Mass.).

§ 15. Effect of Ordering Previous Question

Precluding Further Consideration

§ 15.1 Where the previous question is moved on a resolution and the pending amendment thereto, no further debate is in order unless the previous question is rejected.

On Sept. 17, 1965,⁽⁴⁾ the House was considering House Resolution 585, dismissing five Mississippi election contests. Mr. Carl Albert, of Oklahoma, had offered an amendment to the pending resolution. The following then occurred:

MR. ALBERT: Mr. Speaker, I move the previous question on the amendment and the resolution.

Mr. [JAMES G.] FULTON [of Pennsylvania]: Mr. Speaker, I am on my feet. I rise in opposition to the amendment.

THE SPEAKER:⁽⁵⁾ The gentleman from Pennsylvania rises in opposition. The Chair advises the gentleman that under the rules he cannot be recognized unless time is yielded to him. The gentleman from Oklahoma has moved the previous question on the amendment and the resolution.

MR. FULTON of Pennsylvania: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

4. 111 CONG. REC. 24291, 89th Cong. 1st Sess.

5. John W. McCormack (Mass.).

MR. FULTON of Pennsylvania: Will this amendment foreclose the resolution of Mr. Ryan being brought up by action of the House in the affirmative on this resolution?

THE SPEAKER: That is a matter for the House to determine in carrying out its will.

The question is on the motion of the gentleman from Oklahoma ordering the previous question on the amendment and the resolution.

The previous question was ordered.

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

§ 15.2 The demand for the previous question precludes further debate on the question of passing a bill over a Presidential veto.

On June 16, 1948,⁽⁶⁾ the House was considering the veto of H.R. 6355, providing supplemental appropriations for the Federal Security Agency for fiscal 1949. The following took place:

THE SPEAKER:⁽⁷⁾ The unfinished business is consideration of the President's veto of H.R. 6355.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, the President vetoed the bill H.R. 6355, which carries

nearly \$1,000,000,000 of appropriations for functioning of the Social Security Administration, some portions of the Public Health Service and the United States Employment Service in the Department of Labor. This is the question before the House.

Mr. Speaker, I move the previous question.

MR. [JOHN J.] ROONEY [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ROONEY: Mr. Speaker, under the rules is not the majority granted the privilege of discussing this message?

THE SPEAKER: If the gentleman from Wisconsin withdraws his moving of the previous question it would be in order. Otherwise it is not in order.

§ 15.3 Demanding the previous question on a measure precludes further amendments thereto.

On June 12, 1961,⁽⁸⁾ the House was considering H.R. 7053, relating to the admission of certain evidence in the courts of the District of Columbia. The following occurred:

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question.

MR. [WILLIAM C.] CRAMER [of Florida]: Mr. Speaker, will the gentleman yield for the purpose of offering an amendment?

6. 94 CONG. REC. 8473, 80th Cong. 2d Sess.

7. Joseph W. Martin, Jr. (Mass.).

8. 107 CONG. REC. 10080, 87th Cong. 1st Sess.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ Does the gentleman from South Carolina yield to the gentleman from Florida for the purpose of offering an amendment?

MR. McMILLAN: Mr. Speaker, as I understand the parliamentary situation, I have moved the previous question. . . .

MR. CRAMER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. CRAMER: Mr. Speaker, I have previously announced I would offer an amendment to make it applicable nationwide in conformance with a bill reported by the Committee on the Judiciary. Could the Chair advise me as to when and if such an amendment is in order and under what circumstances?

THE SPEAKER PRO TEMPORE: The Chair will state that the amendment can be offered only if the previous question is voted down.

MR. CRAMER: I thank the Chair.

§ 15.4 The motion to amend the Journal may not be admitted after the previous question is demanded on the motion to approve.

On Sept. 13, 1965,⁽¹⁰⁾ after the Clerk concluded reading the Journal the following occurred:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the Journal be approved as read; and on that I move the previous question.

9. W. Homer Thornberry (Tex.).

10. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal. The Speaker:⁽¹¹⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

What is the motion of the gentleman from Missouri?

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, during the reading of the Journal, section by section, I asked at what time it might be amended; and if I understood the distinguished Speaker correctly he said that if such an amendment were submitted by the gentleman from Missouri or any other person at any time it would be in order at the end of the reading of the Journal.

THE SPEAKER: The gentleman from Missouri has a correct recollection of what the Chair said at that time. However, the gentleman from Oklahoma [Mr. Albert] has made a motion that the Journal as read be approved and upon that he has moved the previous question.

§ 15.5 After the previous question is moved, an amendment may be offered to a pending resolution only if the previous question is voted down.

On Mar. 9, 1967,⁽¹²⁾ the House was considering House Resolution

11. John W. McCormack (Mass.).

12. 113 CONG. REC. 6035-42, 6048, 6049, 90th Cong. 1st Sess.

376, providing special counsel for the House, the Speaker, and other Members named in the action brought by Adam Clayton Powell, Jr., former Representative from the State of New York. After debating the resolution for one hour, Mr. Hale Boggs, of Louisiana, the proponent of the resolution, moved the previous question thereon. Mr. Joe D. Waggonner, Jr., of Louisiana, rose with a parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, is the House of Representatives considering this resolution as a privileged resolution?

THE SPEAKER:⁽¹³⁾ This concerns the privileges of the House.

MR. WAGGONNER: Will there be opportunity to amend this resolution if the previous question is not voted down?

THE SPEAKER: That depends on the action taken by the House in connection with the previous question.

MR. [BYRON G.] ROGERS of Colorado: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. ROGERS of Colorado: If we vote down the previous question, then we have the resolution before us and we can then amend it; can we not?

THE SPEAKER: The resolution will be before the House for such action as the House desires to take.⁽¹⁴⁾

13. John W. McCormack [Mass.].

14. See also 111 CONG. REC. 19, 20, 89th Cong. 1st Sess., Jan. 4, 1965; and 107 CONG. REC. 10080, 87th Cong. 1st Sess., June 12, 1961.

§ 15.6 The stage of disagreement having been reached and the previous question having been demanded on the motion to recede [the motion to recede and concur in the Senate amendment having been divided], the Chair informed a Member seeking recognition to offer "a substitute" motion that the previous question had been demanded.

On May 14, 1963,⁽¹⁵⁾ the House was considering H.R. 5517, providing supplemental appropriations for fiscal 1963. The following occurred:

Mr. [ALBERT] THOMAS [of Texas]: Mr. Speaker, perhaps I used the wrong terminology a little while ago. I am going to move the previous question and then the vote, as I understand it, will come on the motion to recede and we should recede and I hope the membership will vote "aye." When we do that, then I will offer a motion to concur with an amendment.

Mr. Speaker, I move the previous question.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I would like to offer a substitute for the Barry motion.

THE SPEAKER:⁽¹⁶⁾ The gentleman from Texas has moved the previous question.

§ 15.7 The ordering of the previous question prevents fur-

15. 109 CONG. REC. 8508, 88th Cong. 1st Sess.

16. John W. McCormack (Mass.).

ther debate and the offering of amendments.

On May 31, 1932,⁽¹⁷⁾ the House was considering House Resolution 235, authorizing an investigation of government competition with private enterprise. The following occurred:

MR. [EDWARD W.] POULSON [of North Carolina]: Mr. Speaker, I move the previous question.

The previous question was ordered.

THE SPEAKER PRO TEMPORE:⁽¹⁸⁾ The question is on the passage of the resolution.

MR. [BURTON L.] FRENCH [of Idaho]: Mr. Speaker, I offer an amendment which I send to the desk.

THE SPEAKER PRO TEMPORE: The previous question has been ordered. The previous question having been ordered, no amendment is in order at this time.

MR. FRENCH: Mr. Speaker, let me make inquiry. I understand that all debate is cut off on the resolution, but a Member has the privilege of offering an amendment.

THE SPEAKER PRO TEMPORE: Under the rules of the House, not only is debate cut off but all power to offer amendments is cut off by the ordering of the previous question.

MR. FRENCH: The Speaker is quite right. I have confused the motion for the previous question with the common motion to close debate. I desired to offer an amendment which would limit the expenditure.

THE SPEAKER PRO TEMPORE: The gentleman might have opposed the previous question.

Effect on Amendments Between the Houses

§ 15.8 After the previous question has been ordered on a motion to recede and concur, no further debate is in order on that motion.

On Aug. 26, 1960,⁽¹⁹⁾ the House had agreed to the conference report on H.R. 12619, providing appropriations for the mutual security program for fiscal 1961, and had begun considering amendments in disagreement when the following took place:

MR. [OTTO E.] PASSMAN [of Louisiana]: Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. Passman moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert “, including not less than \$35,000,000 for Spain.”

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker——

THE SPEAKER:⁽²⁰⁾ For what purpose does the gentleman rise?

MR. CONTE: To object to the amendment.

MR. PASSMAN: Mr. Speaker, I move the previous question on the motion.

17. 75 CONG. REC. 11681, 72d Cong. 1st Sess.

18. Loring M. Black [N.Y.].

19. 106 CONG. REC. 17869, 17870, 86th Cong. 2d Sess.

20. Sam Rayburn (Tex.).

THE SPEAKER: Without objection, the previous question is ordered.

There was no objection.

MR. CONTE: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman just asked for a vote on it.

MR. CONTE: Can we debate it?

THE SPEAKER: Not after the previous question is ordered.⁽¹⁾

Effect on Motion to Reconsider

§ 15.9 Where a resolution (providing for the order of business) had been agreed to without debate and without the ordering of the previous question, a motion to reconsider the vote thereon was ruled debatable.

On Sept. 13, 1965,⁽²⁾ the House had voted to adopt House Resolution 506, providing for consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. Mr. William M. McCulloch, of Ohio, rose to his feet.

MR. MCCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: ⁽³⁾ It was not.

MR. MCCULLOCH: Mr. Speaker, having voted in the affirmative, I now

move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the motion be laid upon the table.

MR. MCCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

MR. [MELVIN R.] LAIRD [OF WISCONSIN]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

MR. LAIRD: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to debate is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

1. See also 104 CONG. REC. 19618, 85th Cong. 2d Sess., Aug. 23, 1958.
2. 111 CONG. REC. 23608, 89th Cong. 1st Sess.
3. John W. McCormack (Mass.).

Debate on Amendment to Resolution

§ 15.10 Where a member of the Committee on Rules calling up a resolution reported by that committee offers an amendment to such a resolution, the amendment is not debatable if the previous question has been moved and ordered.

On Mar. 11, 1941,⁽⁴⁾ Mr. Edward E. Cox, of Georgia, called up House Resolution 120, providing for investigation of national defense. After the Clerk read the resolution, the following took place:

MR. COX: Mr. Speaker, I have stated that the language proposed by the gentleman from New York [Mr. Wadsworth] is an improvement to this bill, and I offer it as an amendment to the bill, and, Mr. Speaker, I move the previous question on the amendment and the resolution.

MR. [ANDREW J.] MAY [of Kentucky]: Mr. Speaker, I make the point of order that the resolution is not subject to amendment until the previous question has been disposed of.

THE SPEAKER:⁽⁵⁾ After the previous question is ordered amendments are not in order.

MR. MAY: Certainly not.

THE SPEAKER: It is in order for the gentleman from Georgia [Mr. Cox] to

offer the amendment. The Clerk will report the amendment. . . .

THE SPEAKER: The gentleman from Georgia [Mr. Cox] moves the previous question on the amendment and the resolution.

MR. MAY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question.

§ 15.11 Where the House had ordered the previous question on an amendment in the nature of a substitute for a resolution and on the resolution, the Speaker indicated that no further amendment to the resolution would be in order.

On June 13, 1973,⁽⁶⁾ the House was considering House Resolution 437, providing for consideration of H.R. 8410, which would permit a temporary increase in the public debt limitation. Mr. John B. Anderson, of Illinois, offered an amendment in the nature of a substitute to the pending resolu-

4. 87 CONG. REC. 2189, 77th Cong. 1st Sess.

5. Sam Rayburn (Tex.).

6. 119 CONG. REC. 19343, 19344, 93d Cong. 1st Sess.

tion. After the amendment had been read and debated for one hour the following occurred:

MR. [JOHN] ANDERSON [of Illinois]: . . . Mr. Speaker, I move the previous question of the amendment and on the resolution. . . .

The vote was taken by electronic device, and there were—yeas 254, nays 160, not voting 19. . . .

So the previous question was ordered. . . .

THE SPEAKER:⁽⁷⁾ The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. Anderson). . . .

The vote was taken by electronic device, and there were—yeas 248, nays 163, not voting 22. . . .

So the amendment in the nature of a substitute was agreed to. .

MR. [ROBERT L.] LEGGETT [of California]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. LEGGETT: We have now had one amendment to the rule. I am wondering at this point would another amendment for tax reform, as suggested by Mr. Reuss, be in order?

THE SPEAKER: The answer is “no”, because the previous question has been ordered on the resolution.⁽⁸⁾

§5.12 When the previous question is ordered on an amend-

7. Carl Albert (Okla.).

8. See also 113 CONG. REC. 5036, 90th Cong. 1st Sess., Mar. 1, 1967; and 113 CONG. REC. 28, 31–33, 90th Cong. 1st Sess., Jan. 10, 1967.

ment and the resolution to which it is offered, following acceptance or rejection of the amendment, the vote recurs immediately on the resolution.

On Mar. 1, 1967,⁽⁹⁾ the House was considering House Resolution 278, relating to the right of Representative-elect Adam C. Powell, Jr., of New York, to be sworn in. Mr. Thomas B. Curtis, of Missouri, offered an amendment to the resolution and the previous question was ordered on both the amendment and the resolution. After a brief discussion, Mr. Charles E. Goodell, of New York, rose with a parliamentary inquiry:

MR. GOODELL: Mr. Speaker, if the Curtis amendment which is now pending is defeated, then is it in order to move the previous question on the committee resolution?

THE SPEAKER:⁽¹⁰⁾ If the amendment is defeated, the original resolution will be before the House for a vote.

MR. GOODELL: For an immediate vote?

THE SPEAKER: Yes, for an immediate vote.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERALD R. FORD: If the amendment of the gentleman from Missouri

9. 113 CONG. REC. 5036, 5037, 90th Cong. 1st Sess.

10. John W. McCormack (Mass.).

prevails as a substitute for the committee resolution, then there will be an opportunity for a further vote, however?

THE SPEAKER: Then the question will occur on the adoption of the resolution, as amended.

Effect on Motion to Strike Enacting Clause

§ 15.13 A motion in the House to strike out the enacting clause is not in order where the previous question has been ordered on the bill and amendments thereto to final passage.

On Apr. 16, 1970,⁽¹¹⁾ the House was considering H.R. 16311, the Family Assistance Act of 1970. The following occurred:

THE SPEAKER:⁽¹²⁾ Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

[The bill was ordered to be engrossed and read a third time, and was read the third time.]

THE SPEAKER: The question is on the passage of the bill.

MR. [OMAR T.] BURLESON [of Texas]: Mr. Speaker a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BURLESON of Texas: Mr. Speaker, I have a preferential motion which

was not permitted to be made in the Committee of the Whole. The preferential motion is to strike the enacting clause. Is it in order in the House at this time?

THE SPEAKER: Due to the fact that the previous question has been ordered on the bill to final passage, the motion is not in order at this time.

Effect When Ordered on Resolution and Pending Amendment

§ 15.14 A special rule reported by the Committee on Rules is subject to amendment unless the previous question is ordered.

On Apr. 15, 1936,⁽¹³⁾ the House was considering House Resolution 475 providing for the consideration of S.J. Res. 234, to create a special committee to investigate lobbying activities. Mr. John J. O'Connor, of New York, offered an amendment to the resolution, which was read by the Clerk. Mr. Bertrand H. Snell, of New York, asked Mr. O'Connor to yield, and the following occurred:

How can the gentleman present an amendment now if it is not a committee amendment?

MR. O'CONNOR: I am presenting it on my own responsibility, the gentleman from Georgia [Mr. Cox], in charge of the rule, having yielded to me for that purpose.

11. 116 CONG. REC. 12092, 91st Cong. 2d Sess.

12. John W. McCormack (Mass.).

13. 80 CONG. REC. 5535, 5536, 74th Cong. 2d Sess.

MR. SNELL: Then the rule is open for amendment.

MR. O'CONNOR: The gentleman from Georgia yielded to me for this purpose, to offer an amendment.

MR. [EDWARD E.] COX [of Georgia]: Mr. Speaker, I move the previous question.

The previous question was ordered.

MR. [BYRON B.] HARLAN [of Ohio]: A parliamentary inquiry. Mr. Speaker.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state it.

MR. HARLAN: Is the previous question ordered on the amendment or on the resolution?

THE SPEAKER: On both.

MR. SNELL: How can the previous question apply to both?

THE SPEAKER: That was the motion of the gentleman from Georgia. . . .

MR. SNELL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SNELL: Mr. Speaker, I have always understood that when a rule is presented on the floor and the Member in charge of the rule opens it up for amendment, that it is then open to amendment on the part of anyone who desires to offer an amendment.

THE SPEAKER: That is true, until the previous question has been ordered, and the previous question has here been ordered.

MR. SNELL: It has now, but when I originally asked the question it had not been ordered. I wanted to offer an amendment.

THE SPEAKER: The Chair would have been glad to recognize the gentleman

at that time, but the previous question which has been ordered prevents that now.

MR. SNELL: I know that when a rule is opened up for amendment anybody else can offer an amendment.

THE SPEAKER: The gentleman's amendment would have been in order if the previous question had not been ordered, provided the amendment were germane.

Effect When "Considered as Ordered" Pursuant to Special Rule

§ 15.15 Where the House has agreed by unanimous consent to a request that debate shall be limited in time and confined to a resolution disposing of an election contest, and that the previous question shall be considered as ordered at the conclusion of such debate, a substitute amendment is not in order.

On Aug. 19, 1937,⁽¹⁵⁾ the House was considering House Resolution 309, dealing with the election contest of Roy v Jenks. The following occurred:

THE SPEAKER:⁽¹⁶⁾ The gentleman from North Carolina modifies his request and now asks unanimous consent that debate on the pending resolution shall be confined to the resolution,

14. Joseph W. Burns (Tenn.).

15. 81 CONG. REC. 9356, 9374, 75th Cong. 1st Sess.

16. William B. Bankhead (Ala.).

shall continue for 2 hours and 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Massachusetts; that at the conclusion of this time the previous question shall be considered as ordered.

Is there objection?

MR. [CHARLES L.] GIFFORD [of Massachusetts]: Mr. Speaker, reserving the right to object, may I be allowed to file a substitute motion during that period?

MR. [JOHN H.] KERR [of North Carolina]: I do not agree to that.

THE SPEAKER: Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Bills Reported From the Committee of the Whole

§ 15.16 Where the Committee of the Whole reports a bill to the House pursuant to a resolution which specifies that the "previous question shall be considered as ordered on the bill, etc." the bill is not open to further amendment in the House.

On Sept. 29, 1965,⁽¹⁷⁾ the Committee of the Whole was considering H.R. 4644, providing home rule for the District of Columbia. After the bill was reported back to the House the following occurred:

THE SPEAKER:⁽¹⁸⁾ Under the rule, the previous question is ordered.

17. 111 CONG. REC. 25438, 25439, 89th Cong. 1st Sess.

18. John W. McCormack (Mass.).

The question is on the amendment.

MR. [ABRAHAM J.] MULTER [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. MULTER: I am about to ask for the yeas and nays on the Multer amendment, as amended by the Sisk amendment. If that amendment is rejected on the rollcall vote, which I will ask for, will the pending business before the House then be H.R. 4644?

THE SPEAKER: As introduced.

MR. MULTER: Mr. Speaker, on the amendment I demand the yeas and nays.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERALD R. FORD: If the Multer amendment as amended is defeated, we then go back to H.R. 4644. Is there an opportunity after that to amend or to further consider?

THE SPEAKER: The response to that would be in the negative, because the previous question has been ordered.

§ 15.17 Unless the previous question is ordered on an amendment reported from the Committee of the Whole such amendment is subject to further consideration and debate in the House.

On Dec. 10, 1937,⁽¹⁹⁾ the Committee of the Whole having had under consideration the bill, H.R.

19. 82 CONG. REC. 1285, 1286, 75th Cong. 2d Sess.

8505, the farm bill, reported that bill back to the House with certain amendments. The following then occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered. . . .

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry. The Speaker:⁽²⁰⁾ The gentleman will state it.

MR. BOILEAU: Mr. Speaker, the gentleman from Texas [Mr. Jones] has moved the previous question on all amendments except the Boileau amendment. I do not recall a similar situation since I have been a Member of the House, and I frankly confess I do not know the effect of the motion of the gentleman from Texas. I would appreciate it if the Speaker would explain to the Members of the House the present status of the Boileau amendment.

Am I correct in my understanding of the present situation that because of the previous question having been ordered on all amendments other than the Boileau amendment there is no longer opportunity for debate on such amendments, but that, the previous question not having been ordered on the Boileau amendment, there is opportunity for debate on it unless the previous question is ordered?

THE SPEAKER: Unless the previous question is ordered on the Boileau amendment, if a Member should seek

recognition to debate the amendment the Chair would recognize that right.

Unanimous Consent to Offer Amendment

§ 15.18 When the Chairman of the Committee of the Whole reports a bill back to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded; and the Speaker has declined to entertain unanimous-consent requests that further amendments be in order.⁽¹⁾

On Aug. 31, 1960,⁽²⁾ the Committee of the Whole rose to report a price support bill to the House:

THE CHAIRMAN:⁽³⁾ There being no amendments, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Keogh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 2917) to establish a price support level for milk and butterfat, pursuant to House Resolution 636, he reported the bill back to the House.

1. But see § 14.13, *supra*.

2. 106 CONG. REC. 18748, 86th Cong. 2d Sess.

3. Eugene J. Keogh (N.Y.).

20. William B. Bankhead (Ala.).

THE SPEAKER:⁽⁴⁾ Under the rule the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was read a third time.

MR. [CARL H.] ANDERSEN [of Minnesota]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSEN of Minnesota: Would it be possible by unanimous consent to return to the amendment stage?

THE SPEAKER: It would not. The previous question has already been ordered. All amendments and all debate are exhausted.

The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. Fulton) there were yeas 171, noes 32.

So the bill was passed, and a motion to reconsider was laid on the table.

Effect Where Several Amendments Are Pending

§ 15.19 Where the previous question is ordered on some of the amendments reported from the Committee of the Whole, they must be disposed of before further consideration of the remaining amendments may be had.

On Dec. 10, 1937,⁽⁵⁾ the Committee of the Whole was consid-

ering H.R. 8505, the farm bill. After the Committee rose and reported back to the full House the following occurred:

MR. [MARVIN] JONES [of Texas]: Mr. Speaker, I move the previous question on all amendments except the Boileau amendment.

The previous question on all amendments except the Boileau amendment was ordered. . . .

THE SPEAKER:⁽⁶⁾ Is a separate vote demanded on any amendment?

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BOILEAU: Will there be an opportunity for a separate vote on the Boileau amendment?

MR. JONES: I may say to the gentleman I am about to ask for a separate vote on it.

MR. BOILEAU: I confess I am not familiar with the procedure in the situation now before the House as to the effect of ordering the previous question on all amendments except the Boileau amendment.

THE SPEAKER: The previous question has already been ordered by the House, thus bringing to an immediate vote all amendments except the so-called Boileau amendment. . . .

MR. BOILEAU: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it. . . .

MR. BOILEAU: If a motion for the previous question were made and the

4. Sam Rayburn (Tex.).

5. 82 CONG. REC. 1285, 1286, 75th Cong. 2d Sess.

6. William B. Bankhead (Ala.).

previous question ordered on the Boileau amendment, would that amendment then be in the same position before this body as the other amendments?

THE SPEAKER: It would, except the previous question has already been ordered on the other amendments, and under the present situation the amendments upon which the previous question is ordered will be put to a vote and disposed of before the Boileau amendment is before the House for consideration.

Effect on Motions to Resolve Into Committee of the Whole

§ 15.20 After the previous question is ordered on a bill to final passage, it is not in order to move that the House resolve itself into the Committee of the Whole for the further consideration of such bill.

On July 8, 1937,⁽⁷⁾ the Committee of the Whole reported back to the House H.R. 3408 with an amendment to amend the Civil Service Act. The following occurred:

THE SPEAKER:⁽⁸⁾ Under the rule the previous question is ordered on the bill and amendment to final passage. . . .

The question is on the engrossment and third reading of the bill.

7. 81 CONG. REC. 6944, 6951, 6952, 75th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

MR. [JACK] NICHOLS [of Oklahoma]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. NICHOLS: Mr. Speaker, would a motion be in order at this time that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H.R. 3408?

THE SPEAKER: The Chair replies in the negative to that parliamentary inquiry.

Effect on Point of Order Against Amendment

§ 15.21 After the previous question has been ordered in the House, it is too late to interpose a point of order against an amendment reported from the Committee of the Whole.

On July 21, 1956,⁽⁹⁾ the Committee of the Whole reported back to the House the bill H.R. 7992, to enact certain provisions included in the Department of Defense Appropriations Act and the Civil Functions Appropriations Act.

THE SPEAKER:⁽¹⁰⁾ Under the rule, the previous question is ordered.

MR. [FRANK T.] BOW [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

9. 102 CONG. REC. 13857, 84th Cong. 2d Sess.

10. Sam Rayburn (Tex.).

MR. BOW: The Committee has adopted an amendment which changes the rules of the House. My parliamentary inquiry is this: Is it proper at this time to again interpose a point of order against the report of the Committee on the ground that the rules have been changed in the Committee of the Whole?

THE SPEAKER: The Committee of the Whole has reported an amendment. The Chair would be forced to hold that the point of order comes too late and will not lie at this time.

Effect on Bill Considered on Calendar Wednesday

§ 15.22 A bill considered under the Calendar Wednesday rule becomes unfinished business if the House adjourns after ordering the previous question thereon.

On Feb. 22, 1950,⁽¹¹⁾ the House was considering H.R. 4453, the Federal Employment Practice Act. The bill was ordered to be engrossed and read a third time, after which the following occurred:

MR. [ANDREW J.] BIEMILLER [of Wisconsin]: Mr. Speaker, I demand a reading of the engrossed copy of the bill. . . .

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹²⁾ The gentleman will state it.

11. 96 CONG. REC. 2254, 81st Cong. 2d Sess.

12. Sam Rayburn (Tex.).

MR. HOFFMAN of Michigan: Is a motion to recommit in order at this time?

THE SPEAKER: Not until after the third reading of the bill.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, that means the House will have to stay in session until the engrossed copy is secured?

THE SPEAKER: It does not.

MR. RANKIN: We cannot take a recess on Calendar Wednesday?

THE SPEAKER: The House can adjourn.

MR. RANKIN: We can adjourn but that ends Calendar Wednesday.

THE SPEAKER: The previous question has been ordered and the next time the House meets, whether this week or any other week, it is the pending business. . . .

The Chair wants all Members to understand that on the convening of the House at its next session, the final disposition of this matter is the pending business.

Effect on Motion to Recommit

§ 15.23 The Member offering a motion to recommit a bill with instructions may, at the conclusion of the 10 minutes of debate thereon, yield to another Member to offer an amendment to the motion if the previous question has not been ordered on the motion to recommit.

On July 19, 1973,⁽¹³⁾ the House was considering House Resolution 8860, to amend and extend the Agriculture Act of 1970. Mr. Charles M. Teague, of California, offered a motion to recommit and controlled the floor for five minutes of debate in favor of his motion. Mr. William R. Poage, of Texas, then controlled the floor for five minutes in opposition to the motion to recommit. Mr. Gerald R. Ford, of Michigan, sought to have Mr. Poage yield the floor to him for the purpose of offering an amendment to the motion to recommit. The following occurred:

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER:⁽¹⁴⁾ The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman from California can yield for that purpose. . . . The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California had expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

Ordered Prior to Motion to Recommit Conference Report

§ 15.24 A motion to recommit a conference report is not in order until the previous question has been ordered on the conference report.

On Dec. 15, 1970,⁽¹⁵⁾ the House was considering the conference re-

13. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

14. Carl Albert (Okla.).

15. 116 CONG. REC. 41502, 41503, 91st Cong. 2d Sess.

port on H.R. 17755, appropriations for the Department of Transportation for fiscal 1971. Mr. Sidney R. Yates, of Illinois, rose with a parliamentary inquiry:

MR. YATES: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ The gentleman will state his parliamentary inquiry.

MR. YATES: Mr. Speaker, as I understand, in order to have specific instructions given to the conferees it is necessary that the previous question be voted down; is that correct? I mean on the motion to recommit?

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Illinois is in error. The previous question on the conference report has to be ordered before there can be a motion to recommit.

§ 16. Offering Motion; Who May Offer

Member Controlling Debate

§ 16.1 The Member in control of debate may move the previous question and cut off debate, either before or after the adoption of the rules.

On Jan. 4, 1965,⁽¹⁷⁾ the House was considering House Resolution 2, offered by the Majority Leader,

16. Wilbur D. Mills (Ark.).

17. 111 CONG. REC.20, 89th Cong. 1st Sess.

Carl Albert, of Oklahoma, authorizing the Speaker to administer the oath of office to Mr. Richard L. Ottinger, of New York. The following occurred:

MR.[JAMES C.] CLEVELAND [of New Hampshire]: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. ALBERT: I yield for a parliamentary inquiry.

MR. CLEVELAND: If this resolution is adopted, will it be impossible for me to offer my own resolution pertaining to the same subject matter, either as an amendment or a substitute?

THE SPEAKER:⁽¹⁸⁾ If the resolution is agreed to, it will not be in order for the gentleman to offer a substitute resolution or an amendment, particularly if the previous question is ordered.

MR. CLEVELAND: Is it now in order, Mr. Speaker?

THE SPEAKER: Not unless the gentleman from Oklahoma yields to the gentleman for that purpose.

MR. CLEVELAND: Mr. Speaker, will the gentleman yield?

MR. ALBERT: The gentleman from Oklahoma does not yield for that purpose.

MR. CLEVELAND: Mr. Speaker, a parliamentary inquiry. Will there be any opportunity to discuss the merits of this case prior to a vote on the resolution offered by the gentleman from Oklahoma?

THE SPEAKER: The gentleman from Oklahoma has control over the time. Not unless the gentleman from Oklahoma yields for that purpose. . . .

18. John W. McCormack (Mass.).

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Oklahoma yield to the gentleman from Mississippi for the purpose of submitting a parliamentary inquiry?

MR. ALBERT: Mr. Speaker, I move the previous question on the resolution.

THE SPEAKER: The question is on the motion.

The previous question was ordered.⁽¹⁹⁾

Member Yielding Floor for Amendment

§ 16.2 A Member controlling time for debate in the House may not yield to another Member to offer an amendment without losing the floor and the right to move the previous question.

On Mar. 13, 1939,⁽²⁰⁾ the House was considering House Resolution 113, providing for an investigation of the milk industry in the District of Columbia. Mr. Charles A. Halleck, of Indiana, was controlling the floor for debate when Mr. John Taber, of New York, rose with a parliamentary inquiry.

MR. TABER: Mr. Speaker, if the gentleman from Indiana should yield to

the gentleman from Wisconsin to offer an amendment, the gentleman from Indiana yields control of the floor under the rule.

THE SPEAKER:⁽¹⁾ The Chair has already stated that.

MR. TABER: And the right to move the previous question would vest in the gentleman from Wisconsin.

THE SPEAKER: That is a correct interpretation of the rule.

§ 16.3 While the Member in charge of a resolution in the House ordinarily loses the floor and the right to move the previous question if he yields for an amendment, he may move the previous question on the resolution following disposition of the amendment where the proponent of the amendment has not done so and where no other Member seeks recognition.

On Apr. 29, 1971,⁽²⁾ the House was considering House Resolution 274, providing funds for the Committee on Internal Security. With Mr. Frank Thompson, Jr., of New Jersey, in control of the resolution on the floor of the House the following occurred:

MR. THOMPSON of New Jersey: . . . I now yield 2 minutes to the gentleman

19. See also 116 CONG. REC. 20876, 91st Cong. 2d Sess., June 23, 1970.

20. 84 CONG. REC. 2663-73, 76th Cong. 1st Sess.

1. William B. Bankhead (Ala.).

2. 117 CONG. REC. 12489, 12504, 12505, 92d Cong. 1st Sess.

from Ohio for the purpose of offering an amendment.

THE SPEAKER:⁽³⁾ The gentleman from Ohio is recognized.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I have an amendment which I propose to offer. I want to read it to the House as the Clerk may have trouble with my handwriting. . . .

THE SPEAKER: The gentleman from Ohio is recognized for 5 minutes in support of the amendment. . . .

The question is on the amendment offered by the gentleman from Ohio (Mr. Hays) to the committee amendment. . . .

The question was taken; and there were—yeas 257, nays 129, not voting 46. . . .

So the amendment to the committee amendment was agreed to. . . .

MR. THOMPSON of New Jersey: Mr. Speaker, I move the previous question on the committee amendment, as amended, and on the resolution.

The previous question was ordered.

THE SPEAKER: The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

§ 16.4 A Member who lost the floor on a resolution by yielding for an amendment was recognized to move the previous question on the resolution following rejection of the amendment, where no other Member sought recognition.

On June 2, 1971,⁽⁴⁾ Mr. Kenneth J. Gray, of Illinois, was controlling

3. Carl Albert (Okla.).

4. 117 CONG. REC. 17502, 17504, 92d Cong. 1st Sess.

House debate on House Resolution 449, which created additional positions and provided an overtime pay system for United States Capitol Police.

MR. GRAY: . . . Mr. Speaker, I yield to the gentleman from Missouri (Mr. Hall) for the purpose of offering an amendment.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I offer an amendment. . . .

THE SPEAKER:⁽⁵⁾ The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

MR. GRAY: Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Member Yielding Floor for Debate

§ 16.5 The Member who yielded the floor to another Member for one hour of debate was recognized at the end of that hour to move the previous question.

On July 5, 1945,⁽⁶⁾ Mr. Malcolm C. Tarver, of Georgia, offered a motion to correct the Congressional Record of July 2, 1945, to reflect a colloquy between Mr.

5. Carl Albert (Okla.).

6. 91 CONG. REC. 7221–25, 79th Cong. 1st Sess.

Tarver and Mr. John E. Rankin, of Mississippi.

MR. TARVER: . . . Mr. Speaker, I yield the floor.

MR. RANKIN: Mr. Speaker, I ask for recognition.

THE SPEAKER:⁽⁷⁾ The gentleman is recognized.

MR. RANKIN: For how long?

THE SPEAKER: The gentleman may speak for an hour if he wishes.

After the hour's debate:

MR. TARVER: Mr. Speaker, I move the previous question.

The previous question was ordered.

Member Having Floor to Offer a Motion

§ 16.6 A Member having the floor to offer a motion may move the previous question thereon although another Member claims recognition to offer a motion of higher privilege; but the motion of higher privilege must be put before the previous question.

On Sept. 13, 1965,⁽⁸⁾ at the conclusion of the reading of the Journal, Mr. Carl Albert, of Oklahoma, rose to his feet and made the following motions:

MR. ALBERT: Mr. Speaker, I move that the Journal be approved as read;

7. Sam Rayburn (Tex.).

8. 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess.

and on that I move the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.

THE SPEAKER:⁽⁹⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

What is the motion of the gentleman from Missouri?

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Mr. Speaker, during the reading of the Journal, section by section, I asked at what time it might be amended; and if I understood the distinguished Speaker correctly he said that if such an amendment were submitted by the gentleman from Missouri or any other person at any time it would be in order at the end of the reading of the Journal.

THE SPEAKER: The gentleman from Missouri has a correct recollection of what the Chair said at that time. However, the gentleman from Oklahoma [Mr. Albert] has made a motion that the Journal as read be approved and upon that he has moved the previous question.

MR. HALL: Then, Mr. Speaker, I move to table that motion.

THE SPEAKER: The question is on the motion to lay on the table the motion that the Journal be approved as read.

9. John W. McCormack (Mass.).

§ 17. Rights of Proponent of Motion

To Offer Motion to Amend

§ 17.1 The manager of a bill, recognized by the Chair in the expectation that he would move the previous question on a motion to recommit offered by the minority, moved instead to amend the motion, and was recognized for that purpose by the Chair.

On May 8, 1968,⁽¹⁰⁾ the House was considering H.R. 17023, appropriations for certain independent offices for fiscal 1969. Mr. Frank T. Bow, of Ohio, offered a motion to recommit with instructions, and the following ensued:

THE SPEAKER:⁽¹¹⁾ The gentleman from Tennessee is recognized.

MR. [JOSEPH L.] EVINS of Tennessee: Mr. Speaker, I have an amendment to the motion to recommit.

MR. BOW: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. BOW: The motion to recommit being the prerogative of the minority, and the minority having exercised that prerogative, my parliamentary inquiry is as a matter of fact whether or not an

amendment is in order, and if it is in order, whether the gentleman making it must indicate that he too is against the bill in its present form?

THE SPEAKER: In response to the inquiry of the gentleman from Ohio, the Chair will state to the gentleman that the motion to recommit is one with instructions. Since the previous question has not been ordered, it is open for amendment.

Precedence Relative to Question of Personal Privilege

§ 17.2 The Chair having recognized a Member in charge of a bill for the motion for the previous question, a Member may not be recognized to rise to a question of personal privilege based on certain remarks in the Record.

On June 30, 1939,⁽¹²⁾ the House was considering the conference report on H.R. 3325, relating to the stabilization of the alteration of the weight of the dollar. After the Speaker, William B. Bankhead, of Alabama, recognized Mr. Andrew L. Somers, of New York, the following occurred:

MR. SOMERS of New York: Mr. Speaker, I move the previous question.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I rise to a point of order.

THE SPEAKER: The gentleman will state it.

10. 114 CONG. REC. 12262, 12263, 90th Cong. 2d Sess.

11. John W. McCormack (Mass.).

12. 84 CONG. REC. 8467, 8468, 76th Cong. 1st Sess.

MR. HOFFMAN: I rise to a point of personal privilege because of certain remarks contained in the Congressional Record and ask to be allowed to state my question.

THE SPEAKER: The gentleman from New York has been recognized. The Chair cannot recognize the gentleman from Michigan for that purpose unless the gentleman from New York yields.

MR. SOMERS of New York: Mr. Speaker, I do not yield for that purpose.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker—

THE SPEAKER: The Chair will at the proper time under the rules recognize the gentleman. The Chair has recognized the gentleman from New York. The gentleman from New York has moved the previous question on the conference report.

The question is, Shall the previous question be ordered?

§ 18. Time for Motion

Within Time Fixed for Debate

§ 18.1 Where the House by unanimous consent fixes time and control of debate, the previous question may be moved at any time within that period, and it is not necessary for the Member in charge to yield the full time agreed upon.

On Mar. 11, 1941,⁽¹³⁾ the House was considering House Resolution

13. 87 CONG. REC. 2177, 2178, 77th Cong. 1st Sess.

131 (providing for the consideration of H.R. 1776, relating to the promotion of national defense) pursuant to a unanimous-consent agreement which stipulated that debate was to continue not to exceed two hours. Before the expiration of the allotted time, Mr. Sol Bloom, of New York, made the following statement:

MR. BLOOM: . . . Mr. Speaker, I do not desire to use any more time nor to yield any additional time, so I ask for a vote on the resolution.

MR. MARTIN J. KENNEDY [of New York]: Mr. Speaker, a point of order.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state it.

MR. MARTIN J. KENNEDY: Mr. Speaker, the House is proceeding in its consideration of the Senate amendments to H.R. 1776 under a unanimous-consent agreement granted yesterday—Monday, March 10. The minutes of this action may be found on pages 2142 and 2143 of the Congressional Record. I was present in the House at the time the request was made and, because of the understanding as to the division of time, I did not object. . . .

Under the rules of the House, a proceeding by unanimous consent cannot be dissolved except by unanimous consent of the House. Therefore, the time of 2 hours, fixed for debate, not having elapsed, and with a proper request for time not being granted by the gentleman in charge of the time—the chairman of the Committee on Foreign Affairs—I make a point of order that

14. Sam Rayburn (Tex.).

the action of the chairman of the Committee on Foreign Affairs in moving the previous question prior to the expiration of the agreed time of only 2 hours is not in order and comes prematurely.

THE SPEAKER: The unanimous-consent request agreed to yesterday left control of the time in the hands of the gentleman from New York [Mr. Bloom] and the gentleman from New York [Mr. Fish]. At any time those gentlemen do not desire to yield further time, compliance with the request has been had.

During Debate on Motion to Postpone

§ 18.2 A Member moving to postpone further consideration of a veto message to a day certain having been recognized, he may move the previous question on that motion at any time.

On June 23, 1970,⁽¹⁵⁾ the House received the vetoed message on H.R. 11102, the medical facilities construction and modernization amendments of 1970. The following then occurred:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I move that further consideration of the veto message of the President be postponed until Thursday, June 25, 1970.

Mr. Speaker, the reason I ask for this postponement is to serve notice on

all Members of the House and to give everyone an opportunity to study the veto message and to participate in what I think is a highly important matter.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

THE SPEAKER:⁽¹⁶⁾ The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

A motion to reconsider was laid on the table.

Pending Offering of Amendment

§ 18.3 The previous question may be moved pending the offering of an amendment by a Member to whom the floor was yielded for that purpose, and the previous question must be voted down before that Member is recognized to offer the amendment.

On Nov. 8, 1971,⁽¹⁷⁾ the House was considering House Joint Resolution 191, proposing an amendment to the Constitution relating to a nondenominational prayer in public buildings. During the debate the following occurred:

MR. [CHALMERS P.] WYLIE [of Ohio]: Mr. Speaker, I yield to the gentleman from Alabama (Mr. Buchanan) for the purpose of offering an amendment.

16. John W. McCormack (Mass.).

17. 117 CONG. REC. 39945, 92d Cong. 1st Sess.

15. 116 CONG. REC. 20877, 91st Cong. 2d Sess.

MR. [JOHN H.] BUCHANAN [Jr.]: Mr. Speaker, I have an amendment at the desk.

THE SPEAKER:⁽¹⁸⁾ Does the gentleman realize he will lose control of the time?

MR. WYLIE: The gentleman realizes he loses control of the time. I do yield to the gentleman from Alabama for the purpose of offering an amendment.

THE SPEAKER: The gentleman has yielded the floor.

MOTION OFFERED BY MR. CELLER

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I move the previous question on House Joint Resolution 191.

THE SPEAKER: The motion is completely and highly privileged and is in order.

PARLIAMENTARY INQUIRY

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. GERARD R. FORD: Mr. Speaker, if the previous question is voted down, does that permit the offering of an amendment by the gentleman from Alabama (Mr. Buchanan)?

THE SPEAKER: If it is voted down, any proper motion can be made.

The question is on the motion offered by the gentleman from New York (Mr. Celler).

The motion was rejected.

Time to Move Previous Question on Preamble

§ 18.4 A motion for the previous question on a pending

18. Carl Albert (Okla.).

resolution does not cover the preamble thereto unless the motion so provides; and a motion to order the previous question on the preamble is in order following the vote whereby the resolution is agreed to.

On Mar 1, 1967,⁽¹⁾ the House was considering House Resolution 278, relating to the rights of Representative-elect Adam Clayton Powell, Jr., of New York, to be sworn in. After the resolution and amendment were agreed to the following took place:

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Speaker, I move the previous question on the adoption of the preamble.

MR. [PHILLIP] BURTON of California: Mr. Speaker, a point of order.

THE SPEAKER:⁽²⁾ The gentleman from California will state his point of order.

MR. BURTON of California: The gentleman from Missouri is urging a motion that duplicates an action already taken by the House. The House already has had a motion to close debate on the preamble and on the resolution as amended.

We have already had that vote. I make the point of order that the gentleman's request and/or motion is out of order. I think the record of the proceedings of the House will indicate

1. 113 CONG. REC. 5038, 5039, 90th Cong. 1st Sess.

2. John W. McCormack (Mass.).

that the point being advocated reflects accurately the proceedings as they have transpired.

THE SPEAKER: The Chair will state that the previous question was ordered on the amendment and the resolution but not on the preamble.

§ 19. Relation to Other Matters

Privilege of Motion Over Recognition of Member of Debate

§ 19.1 The motion for the previous question is privileged and is in order before a Member is recognized for debate.

On Apr. 1, 1938,⁽³⁾ the House was considering S. 3331, a reorganization bill. Mr. John J. Cochran, of Missouri, spoke:

MR. COCHRAN: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, I move that general debate in the Committee of the Whole House on the state of the Union on the bill (S. 3331) do now close, and on that motion I move the previous question.

MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I ask recognition.

MR. COCHRAN: Mr. Speaker, on that motion I have moved the previous question.

3. 83 CONG. REC. 4616, 75th Cong. 3d Sess.

MR. O'CONNOR of New York: Mr. Speaker, I asked recognition before the previous question was moved.

THE SPEAKER:⁽⁴⁾ The gentleman from Missouri moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, the gentleman moves that general debate in the Committee of the Whole House on the state of the Union on the bill S. 3331 do now close, and on that motion he moves the previous question.

MR. O'CONNOR of New York: Mr. Speaker, before the gentleman moved the previous question I asked recognition.

THE SPEAKER: The gentleman from Missouri moved the previous question.

MR. O'CONNOR of New York: I asked recognition, Mr. Speaker, before the gentleman moved the previous question.

THE SPEAKER: The motion for the previous question takes precedence.

As Related to Amendment to Resolution

§ 19.2 An amendment to the body of a resolution reported by the Committee on Rules is properly offered before the previous question is moved.

On Feb. 28, 1949,⁽⁵⁾ Mr. John E. Lyle, Jr., of Texas, called up House Resolution 44 (relating to the Panama Canal) which had

4. William B. Bankhead (Ala.).

5. 95 CONG. REC. 1617, 1619, 81st Cong. 1st Sess.

been reported from the Committee on Rules. After he controlled a brief debate, Mr. Lyle stated that he had no further demands for time, and posed a parliamentary inquiry.

MR. LYLE: At what time would an amendment be proper? Now, or after the previous question has been ordered?

THE SPEAKER:⁽⁶⁾ An amendment to the body of the resolution should be offered now.

As Related to Administration of House Oath

§ 19.3 A question involving the swearing in of a Member-elect was permitted after the previous question had been ordered on the pending question.

On Oct. 3, 1969,⁽⁷⁾ the Committee of the Whole reported back to the House the bill H.R. 14000, the Military Procurement Act for fiscal 1970, and the Speaker, John W. McCormack, of Massachusetts, stated that under the rule the previous question was ordered. The following then occurred:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts, Mr. Michael J. Harrington, be

permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

THE SPEAKER: Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. Harrington appeared at the bar of the House and took the oath of office.

As Related to Senate Messages

§ 19.4 A message from the Senate may be received by the House after the previous question has been ordered, pending the question of passage of the bill.

On Oct. 3, 1969,⁽⁸⁾ the Committee of the Whole having considered H.R. 14000, dealing with military procurement authorizations for fiscal 1970, reported the bill back to the House.

THE SPEAKER:⁽⁹⁾ Under the rule, the previous question is ordered.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2917. An act to improve the health and safety conditions of per-

6. Sam Rayburn (Tex.).

7. 115 CONG. REC. 28487, 91st Cong. 1st Sess.

8. 115 CONG. REC. 28487, 91st Cong. 1st Sess.

9. John W. McCormack (Mass.).

sons working in the coal mining industry of the United States.⁽¹⁰⁾

§ 20. Relation to Other Motions

Relation to Motion to Table

§ 20.1 The motion to lay on the table takes precedence over the motion for the previous question, and if the motion to table is rejected, the question recurs on the motion for the previous question which was pending when the motion to table was offered.

On May 11, 1972,⁽¹¹⁾ the House was considering S. 659, the higher education amendments. Mr. Joe D. Waggoner, Jr., of Louisiana, offered a motion to instruct the House managers at the conference on the disagreeing votes of the two Houses, and was recognized for one hour, after which the following occurred:

MR. WAGGONER: . . . Mr. Speaker, I move the previous question and ask that we instruct the conferees.

MR. [SIDNEY R.] YATES [of Illinois]: Mr. Speaker, I move that the motion of the gentleman from Louisiana to instruct the conferees be laid on the table.

10. See also 107 CONG. REC. 7172, 87th Cong. 1st Sess., May 3, 1961.

11. 118 CONG. REC. 16838-42, 92d Cong. 2d Sess.

THE SPEAKER:⁽¹²⁾ The question is on the motion to table offered by the gentleman from Illinois (Mr. Yates). . . .

The question was taken; and there were—yeas 126, nays 273, not voting 32. . . .

So the motion to table was rejected. . . .

The previous question was ordered.⁽¹³⁾

Relation to Motions to Amend

§ 20.2 The motion for the previous question takes precedence over a motion to amend.

On Nov. 8, 1971,⁽¹⁴⁾ the House was considering House Joint Resolution 191, proposing an amendment to the Constitution relating to nondenominational prayer in public buildings. Mr. Chalmers P. Wylie, of Ohio, was controlling the floor, having called up the joint resolution following a successful motion to discharge the Judiciary Committee, when the following occurred:

MR. WYLIE: Mr. Speaker, I yield to the gentleman from Alabama (Mr. Bu-

12. Carl Albert (Okla.).

13. See also 116 CONG. REC. 41372-74, 91st Cong. 2d Sess., Dec. 14, 1970; 111 CONG. REC. 23600, 23601, 89th Cong. 1st Sess., Sept. 13, 1965; and 107 CONG. REC. 14947, 14958, 15001, 87th Cong. 1st Sess., Aug. 8, 1961.

14. 117 CONG. REC. 39945, 92d Cong. 1st Sess.

chanan) for the purpose of offering an amendment.

MR. [JOHN H.] BUCHANAN [Jr.]: Mr. Speaker, I have an amendment at the desk.

THE SPEAKER:⁽¹⁵⁾ Does the gentleman realize he will lose control of the time?

MR. WYLIE: The gentleman realizes he loses control of the time. I do yield to the gentleman from Alabama for the purpose of offering an amendment.

THE SPEAKER: The gentleman has yielded the floor.

MOTION OFFERED BY MR. CELLER

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I move the previous question on House Joint Resolution 191.

The Speaker: The motion is completely and highly privileged and is in order.⁽¹⁶⁾

§ 20.3 If the motion for the previous question on a resolution is voted down, the resolution is subject to amendment; but if the amendment is ruled out on a point of order, the previous question may again be moved and takes precedence over the of-

15. Carl Albert (Okla.).

16. See also 113 CONG. REC. 5038, 5039, 90th Cong. 1st Sess., Mar. 1, 1967; 98 CONG. REC. 9697, 82d Cong. 2d Sess., July 5, 1952; 91 CONG. REC. 8377-465, 79th Cong. 1st Sess., Sept. 6-10, 1945; and 89 CONG. REC. 7516, 78th Cong. 1st Sess., July 8, 1943.

fering of another amendment.

On Jan. 3, 1969,⁽¹⁷⁾ the House voted down the previous question on a resolution offered by Mr. Emanuel Celler, of New York. Mr. Clark MacGregor, of Minnesota, was then recognized to offer an amendment to the resolution, but that amendment was ruled out on a point of order. Mr. Celler once again moved the previous question on his resolution and Mr. Gerald R. Ford, of Michigan, rose with a parliamentary inquiry.

MR. GERALD R. FORD: . . . At the time the Chair recognized the gentleman from Minnesota, the gentleman from Minnesota (Mr. MacGregor), sought to offer a resolution, but the Chair has just now ruled against the germaneness of the resolution. I ask the question does the gentleman from Minnesota under this set of circumstances lose the right to offer a substitute and also to have 1 hour's time?

THE SPEAKER:⁽¹⁸⁾ The Chair will state in response to the parliamentary inquiry that at this point the motion on the previous question takes precedence over the motion to amend, and if the House wants to consider further amendment, the House can vote down the previous question.

MR. CELLER: Mr. Speaker, I move the previous question. . . .

17. 115 CONG. REC. 25-27, 91st Cong. 1st Sess.

18. John W. McCormack (Mass.).

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman from Iowa will state his parliamentary inquiry.

MR. GROSS: Mr. Speaker, is the Celler resolution now not subject to a substitute?

THE SPEAKER: Not if the previous question is ordered.

MR. GROSS: Mr. Speaker, I desire to offer a substitute which I have at the Clerk's desk.

THE SPEAKER: The gentleman from New York [MR. CELLER] has moved the previous question and the question now pending is on ordering the previous question.

Relation to Amendment to Motion to Recommit

§ 20.4 The motion for the previous question takes precedence over an amendment to a motion to recommit.

On Aug. 11, 1969,⁽¹⁹⁾ the House was considering H.R. 12982, the District of Columbia Revenue Act of 1969. After the bill was read for a third time, Mr. Alvin E. O'Konski, of Wisconsin, offered a motion to recommit the bill to the Committee on the District of Columbia.

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I have an amendment to the motion to recommit.

19. 115 CONG. REC. 23143, 91st Cong. 1st Sess.

MR. [John L.] McMillan [of South Carolina]: Mr. Speaker, I move the previous question on the motion to recommit.

THE SPEAKER:⁽²⁰⁾ The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Adams) there were—ayes 104, noes 65.

So the previous question was ordered.

THE SPEAKER: The question is on the motion to recommit.

The motion to recommit was rejected.

THE SPEAKER: The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.⁽¹⁾

Relation to Amendment to Motion to Instruct Conferees

§ 20.5 The motion for the previous question takes precedence over an amendment to a motion to instruct conferees.

On July 24, 1973,⁽²⁾ the House was considering S. 1888, to amend and extend the Agricultural Act of 1970. Mr. Robert D. Price, of Texas, offered a motion to instruct the House conferees at the con-

20. John W. McCormack (Mass.).

1. See also 91 CONG. REC. 2725, 79th Cong. 1st Sess., Mar. 24, 1945.

2. 119 CONG. REC. 25539, 93d Cong. 1st Sess.

ference on disagreeing votes of the two Houses on the bill. The following then occurred:

MR. PRICE of Texas: . . . Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: ⁽³⁾ . . . The question is on ordering the previous question.

MR. [SILVIO O.] CONTE [of Massachusetts]: Mr. Speaker, I have an amendment to the preferential motion.

THE SPEAKER: The Chair will state that ordering the previous question is the business before the House at this time.

The question is on ordering the previous question. . . .

The vote was taken by electronic device; and there were—yeas 244, nays 155, present 1, not voting 33. . . .

So the previous question was ordered.

Relation to Motion to Amend Journal

§ 20.6 The motion to amend the Journal may not be admitted after the previous question is demanded on the motion to approve.

On Sept. 13, 1965,⁽⁴⁾ after the Clerk concluded the reading of the Journal, a motion was made that the Journal be approved as read:

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the Journal

3. Carl Albert (Okla.).

4. 111 CONG. REC. 23600, 23601, 89th Cong. 1st. Sess.

be approved as read; and on that I move the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I move that that motion be laid on the table; and I offer an amendment to the Journal.

THE SPEAKER: ⁽⁵⁾ The Chair will state that the motion to lay on the table is in order, but the amendment is not in order.

Relation to Member Recognized for Debate

§ 20.7 While the motion for the previous question takes precedence over the offering of an amendment, a Member recognized to debate an amendment may not be taken from the floor by the motion for the previous question.

On May 18, 1972,⁽⁶⁾ the House was considering H.R. 14718, to provide public assistance to the mass transit bus companies in the District of Columbia. Speaker Carl Albert, of Oklahoma, recognized Mr. Thomas G. Abernethy, of Mississippi:

MR. ABERNETHY: Mr. Speaker, I move to strike the last word.

THE SPEAKER: The gentleman from Mississippi is recognized for 5 minutes.

. . .

MR. [EARLE] CABELL [of Texas]: Mr. Speaker, would a motion be in order to

5. John W. McCormack (Mass.).

6. 118 CONG. REC. 16154, 16157, 92d Cong. 2d Sess.

move the previous question on the amendment at this time in order to dispose of it?

THE SPEAKER: The Chair will state to the gentleman that the gentleman from Mississippi has been recognized.

MR. CABELL: Mr. Speaker, would a motion to vote on the pending amendment be in order, since the discussion is not on the amendment?

THE SPEAKER: The Chair has control of the House and the Chair has recognized the gentleman from Mississippi (Mr. Abernethy).⁽⁷⁾

Relation to Motion to Strike Out Enacting Clause

§ 20.8 A motion for the previous question takes precedence over a motion to strike out the enacting clause.

On May 28, 1934,⁽⁸⁾ the House was considering H.R. 5043, the District of Columbia taxicab insurance bill, and the following occurred:

MR. [VINCENT L.] PALMISANO [of Maryland]: Mr. Speaker, I move the previous question on the bill and amendment thereto to final passage.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, would a motion to strike out the enacting clause now be in order?

THE SPEAKER:⁽⁹⁾ Such a motion is not now in order.

7. See also 114 CONG. REC. 12262, 12263, 90th Cong. 2d Sess., May 8, 1968.

8. 78 CONG. REC. 9743, 73d Cong. 2d Sess.

9. Henry T. Rainey (Ill.).

MR. PATMAN: Mr. Speaker, is not a motion to strike out the enacting clause a privileged motion?

THE SPEAKER: It does not have preference over a motion for the previous question.

MR. [THOMAS L.] BLANTON [of Texas]: We can vote down the previous question.

THE SPEAKER: The question is on ordering the previous question.

Relation to Motion to Adjourn

§ 20.9 The Speaker has refused to recognize for a motion to adjourn after the previous question has been ordered on a bill to final passage under a special rule prohibiting any intervening motion (see 4 Hinds' Precedents §§ 3211–3213).

§ 21. Debate

Debate on Motion for Previous Question

§ 21.1 A motion for the previous question is not debatable.

On Sept. 13, 1965,⁽¹⁰⁾ after the Clerk finished reading the Journal the following occurred:

THE SPEAKER:⁽¹¹⁾ The question is on ordering the previous question.

10. 111 CONG. REC. 23601, 89th Cong. 1st Sess.

11. John W. McCormack (Mass.).

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALL: Is not debate in order on this motion inasmuch as under section 805 of Jefferson's Manual there has been no debate on ordering the previous question?

THE SPEAKER: The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal.

. . .

The question was taken; and there were—yeas 257, nays 126, answered “present” 1, not voting 48.⁽¹²⁾

Debate After Ordering Previous Question

§ 21.2 Where the previous question is ordered on a debatable proposition which has not in fact been debated, a Member may demand the right to 40 minutes of debate, and this time is divided between the person demanding the time and a Member who represents the opposing view of the matter [see Rule XXVII clause 3].

On Sept. 13, 1965,⁽¹³⁾ the previous question was ordered on the

12. See also 95 CONG. REC. 10, 81st Cong. 1st Sess., Jan. 3, 1949.

13. 111 Cong. Rec. 23602, 23604–06, 89th Cong. 1st Sess.

approval of the Journal as read before any debate had occurred on that question. Mr. Durward G. Hall, of Missouri, then rose to his feet.

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁴⁾ The gentleman will state it.

MR. HALL: May we not have debate at this time, under the rules of the House, under section 805, as quoted?

THE SPEAKER: If a Member claims the right.

MR. HALL: I make such a claim, Mr. Speaker.

THE SPEAKER: The gentleman is recognized for 20 minutes. . . .

The gentleman from Oklahoma [Mr. Albert] is recognized for 20 minutes.⁽¹⁵⁾

§ 21.3 Since the motion for the previous question is not debatable, a Member is not entitled to claim the right to debate it under Rule XXVII clause 3.

On Sept. 13, 1965,⁽¹⁶⁾ after the conclusion of the reading of the Journal, the following occurred:

THE SPEAKER:⁽¹⁷⁾ The question is on ordering the previous question.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, a parliamentary inquiry.

14. John W. McCormack (Mass.).

15. See Rule XXVII clause 3, *House Rules and Manual* §907 (1981).

16. 111 CONG. REC. 23601, 89th Cong. 1st Sess.

17. John W. McCormack (Mass.).

THE SPEAKER: The gentleman will state it.

MR. HALL: Is not debate in order on this motion inasmuch as under section 805 of Jefferson's Manual there has been no debate on ordering the previous question?

THE SPEAKER: The Chair will state that the motion on the previous question is not debatable. The question is on ordering the previous question on the motion to approve the Journal.

. . .

The question was taken; and there were—yeas 257, nays 126, answered “present” 1, not voting 48.

§ 21.4 Parliamentarian's Note: The right to recognition for 20 minutes of debate under Rule XXVII clause 3 does not apply simply because the previous question is moved on a proposition on which there has been no debate; the right to 40 minutes of debate accrues only if the previous question is in fact ordered.

On May 14, 1963,⁽¹⁸⁾ the House was considering H.R. 5517, providing supplemental appropriations for fiscal 1963. Mr. Albert Thomas, of Texas, moved that the House concur in the amendment of the Senate numbered 76 with an amendment, and before any debate had taken place on that motion he moved the previous

question thereon. Mr. Thomas B. Curtis, of Missouri, then rose to his feet.

MR. CURTIS: Mr. Speaker, a parliamentary inquiry:

THE SPEAKER: ⁽¹⁹⁾ The gentleman will state it.

MR. CURTIS: As I understand, any person seeking an opportunity for 20 minutes can have it because the previous question has been moved before there has been any debate on it.

THE SPEAKER: Well, the Chair is not passing on that.

MR. CURTIS: Mr. Speaker, I ask for recognition for 20 minutes.

THE SPEAKER: The previous question has not been ordered yet.

§ 21.5 Where the House refused to order the previous question on a motion to concur in a Senate amendment with an amendment, but did order the previous question on the offering of a substitute therefor before debate was had thereon, the action gave rise to 40 minutes' debate on the proposition.

On June 8, 1943,⁽²⁰⁾ the House was considering the conference report on H.R. 2714, urgent defense appropriations for 1943. After the House voted without debate to recede from its disagreement to a

18. 109 CONG. REC. 8508–11, 88th Cong. 1st Sess.

19. John W. McCormack (Mass.).

20. 89 CONG. REC. 5506, 5507, 5509, 5510, 78th Cong. 1st Sess.

Senate amendment, Mr. Clarence Cannon, of Missouri, moved that the House concur in the Senate amendment with an amendment. Without intervening debate, he moved the previous question on his motion. After the motion for the previous question was rejected, the following occurred:

MR. [JOHN] TABER [of New York]: Mr. Speaker, I offer a substitute for the motion offered by the gentleman from Missouri.

The Clerk read as follows:

Mr. Taber moves to substitute for the Cannon amendment an amendment as follows: Add to the language of the Senate amendment No. 5 the following: "or the Department of State or the Office of Strategic Services".

MR. TABER: On that motion I move the previous question, Mr. Speaker.

The previous question was ordered.

The Speaker, Sam Rayburn, of Texas, having previously stated that time for debate is fixed when the previous question has been ordered, not when the motion therefor has been made,⁽¹⁾ indicated that there would be 20 minutes of debate on each side, and recognized Mr. Cannon for 20 minutes.

Previous Question Ordered Prior to Adoption of Rules

§ 21.6 Prior to the adoption of the rules, when the motion

1. *Id.* at p. 5507.

for the previous question is moved without debate, the 40 minutes' debate prescribed by the House rules during the previous Congress does not apply.

On Jan. 7, 1959,⁽²⁾ Speaker Sam Rayburn, of Texas, was swearing in the Members of the Congress. Mr. John W. McCormack, of Massachusetts, offered House Resolution 1, providing for the swearing in of Mr. T. Dale Alford, of Arkansas, whose election to the 86th Congress had been subject to a challenge.

MR. MCCORMACK: Mr. Speaker, this resolution is in accord with existing precedents and, Mr. Speaker, I move the previous question on this resolution.

The previous question was ordered.

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, may I make an inquiry on a point of parliamentary procedure.

THE SPEAKER: The gentleman will state it.

MR. O'NEILL: Mr. Speaker, when the previous order has been moved and there is no debate, under the rules of the House are we not entitled to 40 minutes debate?

THE SPEAKER: Under the precedents, the 40-minute rule does not apply before the adoption of the rules.

The question is on the resolution.

The resolution was agreed to.

2. 105 CONG. REC. 14, 86th Cong. 1st Sess.

Previous Question Moved on Motion to Close Debate

§ 21.7 When the previous question is moved on a motion to close debate (a motion in itself not debatable), the rule providing for 40 minutes of debate on propositions on which the previous question has been ordered without prior debate does not apply and no debate is in order.

On Apr. 1, 1938,⁽³⁾ the House was considering S. 3331, a reorganization bill, when Mr. John J. Cochran, of Missouri, rose to his feet:

MR. COCHRAN: Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, I move that general debate in the Committee of the Whole House on the state of the Union on the bill (S. 3331) do now close, and on that motion I move the previous question.

MR. [JOHN J.] O'CONNOR of New York: Mr. Speaker, I ask recognition.

MR. COCHRAN: Mr. Speaker, on that motion I have moved the previous question.

MR. O'CONNOR of New York: Mr. Speaker, I asked recognition before the previous question was moved.

THE SPEAKER:⁽⁴⁾ The gentleman from Missouri moves that the House

resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3331; pending that, the gentleman moves that general debate in the Committee of the Whole House on the state of the Union on the bill S. 3331 do now close, and on that motion he moves the previous question.

MR. O'CONNOR of New York: Mr. Speaker, before the gentleman moved the previous question I asked recognition.

THE SPEAKER: The gentleman from Missouri moved the previous question.

MR. O'CONNOR of New York: I asked recognition, Mr. Speaker, before the gentleman moved the previous question.

THE SPEAKER: The motion for the previous question takes precedence over any other motion.

MR. O'CONNOR of New York: Mr. Speaker, I ask recognition under the 40-minute rule. It is well recognized in the House that there are 40 minutes of debate on a motion even under the previous question.

THE SPEAKER: The Chair will read from a precedent directly involved on this proposition, Cannon's Precedents, section 2555, volume 8:

When the previous question is ordered on the motion to close debate, the rule providing for 40-minute debate on propositions on which the previous question has been ordered without prior debate does not apply, and no debate is in order.

MR. O'CONNOR of New York: Mr. Speaker, the previous question has not been ordered. May I suggest to the distinguished Speaker that he read the rule of the House as to the 40 minutes

3. 83 CONG. REC. 4616, 75th Cong. 3d Sess.

4. William B. Bankhead (Ala.).

of debate before the previous question is ordered?

THE SPEAKER: Under the general rules of the House the previous question is always a privileged motion. The gentleman from Missouri has exercised his right to move the previous question.

The question is on ordering the previous question on the motion of the gentleman from Missouri [Mr. Cochran] to close debate. . . .

The question was taken; and there were—yeas 149, nays 191, not voting 89.

Previous Question Ordered on Motion to Send Bill to Conference

§ 21.8 Objection has been raised to a unanimous-consent request to permit one hour of debate on a motion to send a bill to conference, on which the previous question had been ordered after a brief debate.

On July 9, 1970,⁽⁵⁾ the House was considering H.R. 15628, to amend the Foreign Military Sales Act of 1970. Thomas E. Morgan, of Pennsylvania, the Chairman of the Committee on Foreign Affairs, offered a motion to take the bill from the Speaker's table with Senate amendments thereto, to disagree to the Senate amend-

5. 116 CONG. REC. 23518, 23524, 91st Cong. 2d Sess.

ments and to agree to conference asked by the Senate. The following then occurred:

THE SPEAKER:⁽⁶⁾ The gentleman from Pennsylvania [Mr. Morgan] is recognized for 1 hour on his motion.

MR. MORGAN: Mr. Speaker, I have no desire to use any time and there has been no request for any time, and in an effort to move the legislation along I will move the previous question. . . .

Mr. Speaker, I move the previous question on the motion.

THE SPEAKER: The question is on ordering the previous question. . . .

The question was taken; and there were—yeas 247, nays 143, not voting 41. . . .

The result of the vote was announced as above recorded.

The doors were opened.

MR. MORGAN: Mr. Speaker, notwithstanding the fact that the previous question has been ordered on my motion to go to conference, I ask unanimous consent that there now be 1 hour of debate, one-half to be controlled by myself and one-half by the gentleman from Michigan (Mr. Riegle) who has announced that he will propose a motion to instruct the conferees.

THE SPEAKER: Is there objection to the request of the gentleman from Pennsylvania?

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

§ 22. Rejection of Motion as Permitting Further Consideration

6. John W. McCormack (Mass.).

Effect Prior to Adoption of House Rules

§ 22.1 Prior to the adoption of the rules, if the motion for the previous question is rejected, a pending resolution is open to any germane amendment.

On Jan. 10, 1967,⁽⁷⁾ the House was considering House Resolution 7, adopting the rules for the 90th Congress. After Mr. Carl Albert, of Oklahoma, moved the previous question on the resolution, Mr. Silvio O. Conte, of Massachusetts, rose with a parliamentary inquiry:

MR. CONTE: Mr. Speaker, if the previous question is not ordered, would it then be in order to move to amend the rules of the House to provide for a Select Committee on Standards and Conduct?

THE SPEAKER:⁽⁸⁾ If the previous question is voted down, any germane amendment would be in order.⁽⁹⁾

§ 22.2 If the motion for the previous question on a resolution is voted down, the resolution is subject to amendment.

On Jan. 3, 1949,⁽¹⁰⁾ the House was considering House Resolution

7. 113 CONG. REC. 28, 31–33, 90th Cong. 1st Sess.

8. John W. McCormack (Mass.).

9. See also 107 CONG. REC. 23–25, 87th Cong. 1st Sess., Jan. 3, 1961.

10. 95 CONG. REC. 10, 81st Cong. 1st Sess.

5, relating to the adoption of the rules for the 81st Congress. After offering the resolution, Mr. Adolph J. Sabath, of Illinois, moved the previous question thereon. Mr. John E. Rankin, of Mississippi, then rose:

MR. RANKIN: Mr. Speaker, I offer a substitute.

THE SPEAKER:⁽¹¹⁾ The gentleman from Illinois [Mr. Sabath] has moved the previous question.

MR. RANKIN. Mr. Speaker, we have a right to be heard.

THE SPEAKER: The previous question is not debatable.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CASE of South Dakota: Mr. Speaker, the parliamentary inquiry is, If the previous question should be voted down, then would it be possible to offer other amendments to the rules than the one proposed in the pending motion?

THE SPEAKER: It would be.

MR. RANKIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Mr. Speaker, if the previous question is voted down, then my substitute would be in order?

THE SPEAKER: An amendment would be in order.

Resolutions Being Considered by Unanimous Consent

§ 22.3 A resolution considered in the House by unanimous

11. Sam Rayburn (Tex.).

consent is subject to amendment if the previous question is rejected on the resolution.

On Oct. 9, 1973,⁽¹²⁾ the House was considering House Resolution 582, relating to a sense of the House deploring the outbreak of hostilities in the Middle East. The Majority Leader, Thomas P. O'Neill, Jr., of Massachusetts, on behalf of himself and the Minority Leader, Gerald R. Ford, of Michigan, had offered the resolution and asked unanimous consent for its immediate consideration. The following then occurred:

THE SPEAKER:⁽¹³⁾ Is there objection to the request of the gentleman from Massachusetts? . . .

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. GROSS: Mr. Speaker, is this resolution subject to amendment?

THE SPEAKER: If the unanimous-consent request for consideration of the resolution is granted and the previous question is not ordered, it is subject to an amendment being offered. . . .

Is there objection to the request of the gentleman from Massachusetts?

MR. GROSS: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

Resolution Authorizing Administration of Oath

§ 22.4 A resolution authorizing the Speaker to administer

12. 119 CONG. REC. 33348, 33349, 93d Cong. 1st Sess.

13. Carl Albert (Okla.).

the oath of office to a Representative-elect may be open to amendment if the House refuses to order the previous question thereon.

On Jan. 3, 1969,⁽¹⁴⁾ the House was considering House Resolution 1, authorizing the Speaker to administer the oath of office to Representative-elect Adam Clayton Powell, Jr., of New York. Mr. H. R. Gross, of Iowa, proposed the following question:

MR. GROSS: If I may proceed further, is the resolution subject to amendment, or must the previous question be voted down?

THE SPEAKER:⁽¹⁵⁾ The Chair will state, in reply to the inquiry of the gentleman from Iowa, that the resolution is not subject to amendment unless the gentleman from New York should yield for that purpose during the hour's time and, in the absence of that, then the previous question would have to be voted down.

Resolution From Committee on Rules

§ 22.5 In response to a parliamentary inquiry the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the resolution

14. 115 CONG. REC. 15, 22, 23, 91st Cong. 1st Sess.

15. John W. McCormack (Mass.).

would be open to further consideration, amendment, and debate.

On Oct. 19, 1966,⁽¹⁶⁾ the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct. Mr. Wayne L. Hays, of Ohio, posed the following parliamentary inquiry:

MR. HAYS: Mr. Speaker, if the previous question is refused, is it true that then amendments may be offered and further debate may be had on the resolution?

THE SPEAKER:⁽¹⁷⁾ If the previous question is defeated, then the resolution is open to further consideration and action and debate.⁽¹⁸⁾

§ 22.6 In response to a parliamentary inquiry, the Speaker stated that if the previous question were voted down on a resolution providing a special rule for the consideration of a bill, any germane amendment offered to the resolution would be in order.

16. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

17. John W. McCormack (Mass.).

18. See also 97 CONG. REC. 11394, 11397, 11398, 82d Cong. 1st Sess., Sept. 14, 1951; 97 CONG. REC. 9, 16-18, 82d Cong. 1st Sess., Jan. 3, 1951; and 81 CONG. REC. 3283-90, 75th Cong. 1st Sess., Apr. 8, 1937.

On Oct. 8, 1968,⁽¹⁹⁾ the House was preparing to consider House Resolution 1315, which provided for the consideration of Senate Joint Resolution 175, to suspend for the 1968 Presidential campaign the equal-time requirements of section 315 of the Communications Act of 1934. Mr. Gerald R. Ford, of Michigan, rose to the parliamentary inquiry:

MR. GERALD R. FORD: If the previous question is defeated and the rule is opened up, could an amendment be made to the rule to provide in the rule for the consideration of the clean elections bill?

THE SPEAKER PRO TEMPORE:⁽²⁰⁾ If that amendment were germane to the resolution it would be in order to consider it, yes.⁽¹⁾

§ 22.7 The House having defeated the motion for the previous question on a resolution reported by the Committee on Rules then voted to table that resolution.

On Mar. 11, 1941,⁽²⁾ the House was considering House Resolution

19. 114 CONG. REC. 30092, 90th Cong. 2d Sess.

20. Wilbur D. Mills (Ark.).

1. See also 107 CONG. REC. 19750, 19751, 19755, 19758, 19759, 87th Cong. 1st Sess., Sept. 15, 1961; 90 CONG. REC. 5465-71, 5473, 78th Cong. 2d Sess., June 7, 1944; and 86 CONG. REC. 5035-46, 76th Cong. 3d Sess., Apr. 25, 1940.

2. 87 CONG. REC. 2189, 2190, 77th Cong. 1st Sess.

120, providing for investigation of the national defense. Mr. Edward E. Cox, of Georgia, offered an amendment to the resolution and moved the previous question on the amendment and the resolution. Mr. Andrew J. May, of Kentucky, then made the following parliamentary inquiry:

MR. MAY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽³⁾ The gentleman will state it.

MR. MAY: Mr. Speaker, I desire to inquire whether or not the amendment as offered is debatable before the previous question is voted upon.

THE SPEAKER: The previous question has been moved. If the previous question is voted down, the amendment would be subject to debate. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the "ayes" seemed to have it.

MR. COX. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 252, not voting 65. . . .

So the motion for the previous question was rejected. . . .

MR. MAY: Mr. Speaker, I move that House Resolution 120 be laid on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.⁽⁴⁾

3. Sam Rayburn (Tex.).

4. See also 81 CONG. REC. 3283-301, 75th Cong. 1st Sess., Apr. 8, 1937.

Concurrent Resolution Providing for Adjournment

§ 22.8 A concurrent resolution providing for an adjournment of the Congress to a day certain is subject to amendment if the previous question is not ordered.

On Sept. 22, 1950,⁽⁵⁾ Mr. J. Percy Priest, of Tennessee, offered House Concurrent Resolution 287, providing for the adjournment of Congress until Nov. 27, 1950. After the Clerk read the resolution the following occurred:

MR. PRIEST: Mr. Speaker, I move the previous question.

MR. [JOHN W.] HESELTON [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁶⁾ The gentleman will state it.

MR. HESELTON: Mr. Speaker, is it possible to offer an amendment to the resolution at this point?

THE SPEAKER: Inasmuch as the previous question has been moved, it is not in order; and, of course, if the previous question is ordered, it is not in order to offer amendments to the resolution.

MR. HESELTON: If the previous question is not ordered, then would an amendment be in order?

THE SPEAKER: If the previous question is not ordered, then if the gen-

5. 96 CONG. REC. 15635, 81st Cong. 2d Sess.

6. Sam Rayburn (Tex.).

tleman is recognized he may offer an amendment.

Amending Amendments to Resolutions

§ 22.9 A pending amendment to a resolution under consideration in the House is subject to further amendment if the proponent of the amendment yields for that purpose or the previous question is voted down.

On Jan. 3, 1969,⁽⁷⁾ the House was considering House Resolution 1, offered by Mr. Emanuel Celler, of New York, authorizing the Speaker to administer the oath of office to Adam C. Powell, Jr., of New York, to which Mr. Clark MacGregor, of Minnesota, offered a substitute. Mr. H.R. Gross, of Iowa, rose with a parliamentary inquiry.

MR. GROSS: Mr. Speaker, is the Celler resolution as proposed, if amended by the MacGregor amendment, subject to substitution at this point?

THE SPEAKER:⁽⁸⁾ Does the gentleman inquire whether or not it is in order to offer an amendment to the MacGregor amendment?

MR. GROSS: Whether it is in order to offer a substitute, Mr. Speaker, for the Celler resolution and the pending amendment.

THE SPEAKER: The Chair will state that such an amendment is not in order at this time unless the gentleman from New Jersey yields for that purpose, or unless the previous question is defeated.

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

MR. MACGREGOR: I yield to the gentleman from New Jersey (Mr. Thompson) only for the purpose of a parliamentary inquiry.

MR. THOMPSON of New Jersey: Mr. Speaker, in the event that, following the hour's debate on the MacGregor motion, the previous question is defeated, would there not be another opportunity for another Member to offer an amendment to the Celler resolution?

THE SPEAKER: The answer is that it would be in order, assuming that those things happened, to offer another amendment to the Celler resolution.⁽⁹⁾

Amendment Ruled Out on Point of Order

§ 22.10 If the motion for the previous question on a resolution is voted down, the resolution is subject to amendment; and if an amendment to a resolution is ruled out on a point of order, and the previous question on the resolution is moved and voted

7. 115 CONG. REC. 27-29, 91st Cong. 1st Sess.

8. John W. McCormack (Mass.).

9. See also 113 CONG. REC. 6035-42, 6048, 6049, 90th Cong. 1st Sess., Mar. 9, 1967.

down, the offering of another amendment is in order.

On Jan. 3, 1969,⁽¹⁰⁾ the House was considering House Resolution 1, offered by Mr. Emanuel Celler, of New York, authorizing the Speaker to administer the oath of office to Adam C. Powell, Jr., of New York. Mr. Gerald R. Ford, of Michigan, rose from his seat:

MR. GERALD R. FORD: Mr. Speaker, the House just a few moments ago defeated the previous question on the resolution offered by the gentleman from New York, and under the rules of the House and under the discretion given to the Speaker, the Speaker has the right to recognize the principal opponent of the resolution for 1 hour.

At the time the Chair recognized the gentleman from Minnesota, the gentleman from Minnesota (Mr. MacGregor), sought to offer a resolution, but the Chair has just now ruled against the germaneness of the resolution. I ask the question does the gentleman from Minnesota under this set of circumstances lose the right to offer a substitute and also to have 1 hour's time?

THE SPEAKER:⁽¹¹⁾ The Chair will state in response to the parliamentary inquiry that at this point the motion on the previous question takes precedence over the motion to amend, and if the House wants to consider further

amendment, the House can vote down the previous question.

Effect on Amendment Procedure in House After Committee of the Whole Rises

§ 22.11 During consideration of an appropriation bill in the Committee of the Whole, a Member announced that he would attempt in the House to defeat the previous question on the bill to final passage so that another Member might offer (and obtain a roll call vote on) an amendment rejected in the Committee of the Whole.

On Feb. 19, 1970,⁽¹²⁾ the Committee of the Whole was considering H.R. 15931, appropriations for fiscal 1970 for the Departments of Labor and Health, Education, and Welfare. Mr. James G. O'Hara, of Michigan, made the following statement:

MR. O'HARA: Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the one who made the point of order against the language on page 28, I want to assure the Members that the point of order was directed only to the second proviso on page 28 beginning at line 18. The gentleman from Michigan (Mr. William D.

10. 115 CONG. REC. 25-27, 91st Cong. 1st Sess.

11. John W. McCormack (Mass.).

12. 116 CONG. REC. 4036, 91st Cong. 2d Sess.

Ford) is correct. If any reduction is made in impacted area funds by the motion to recommit it would, under the language remaining on page 28, have to come entirely out of category B and would take out much of the amount that Mr. Steed put in.

That is not why I rose, Mr. Chairman. I rose to inform the Members that an effort will be made to defeat the ordering of the previous question, after the Committee rises, so that the gentleman from California (Mr. Cohelan) will have an opportunity to reoffer his amendments in the House, his amendments that would insert at the beginning of the two Whitten provisions the words, "except as required by the Constitution."

Motion to Instruct Conferees

§ 22.12 If the previous question is voted down on a motion to instruct conferees, the motion is subject to germane amendment.

On May 29, 1968,⁽¹³⁾ Mr. James A. Burke, of Massachusetts, offered a motion to instruct the conferees on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 15414, the Revenue and Expenditure Act of 1968. After the Clerk read the motion Mr. Burke moved the previous question. The following occurred:

The previous question was ordered.

13. 114 CONG. REC. 15499, 15500, 15511, 15512, 90th Cong. 2d Sess.

THE SPEAKER:⁽¹⁴⁾ For what purpose does the gentleman from New York rise?

MR. [WILLIAM F.] RYAN [of New York]: Mr. Speaker, I was on my feet and seeking recognition.

THE SPEAKER: The Chair is recognizing the gentleman.

MR. RYAN: To propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. RYAN: Mr. Speaker, if the previous question is voted down would it be in order to move that the managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill H.R. 15414, be instructed not to agree to any limitation on budget outlays—expenditures and net lending—during the fiscal year ending June 30, 1969?

THE SPEAKER: The Chair will state to the gentleman from New York in response to his parliamentary inquiry that if the previous question had been voted down any motion that is germane would be in order.

Motion to Recede and Concur With Amendment

§ 22.13 A motion to recede and concur with an amendment to a Senate amendment in disagreement is subject to amendment if the previous question is voted down.

On Dec. 11, 1967,⁽¹⁵⁾ the House was considering the conference re-

14. John W. McCormack (Mass.).

15. 113 CONG. REC. 35811–33, 35841, 35842, 90th Cong. 1st Sess.

port on H.R. 7977, the Postal Revenue and Federal Salary Act of 1967. Mr. Thaddeus J. Dulski, of New York, offered a motion that the House recede and concur with an amendment, and Mr. H. R. Gross, of Iowa, rose to a parliamentary inquiry:

MR. GROSS: Mr. Speaker, would the Senate amendment be subject to amendment if this motion is adopted, or prior to the adoption of this amendment?

THE SPEAKER:⁽¹⁶⁾ The motion is to recede from disagreement to the Senate amendment and concur therein with an amendment.

MR. GROSS: With an amendment?

THE SPEAKER: Yes.

MR. GROSS: Would that be subject to an amendment, Mr. Speaker?

THE SPEAKER: It would be, if the previous question on the motion is voted down.

Motion to Concur (or Agree)

§ 22.14 In response to a parliamentary inquiry, the Speaker stated that if the previous question were voted down on a resolution providing for agreeing to Senate amendments to a House bill, the resolution would be open to amendment.

On June 17, 1970,⁽¹⁾ the House was considering House Resolution

914, concurring in Senate amendments to H.R. 4249, extending the Voting Rights Act of 1965. After Mr. Spark M. Matsunaga, of Hawaii, moved the previous question on the resolution, Mr. Gerald R. Ford, of Michigan, rose with a parliamentary inquiry.

MR. GERALD R. FORD: Mr. Speaker, a "no" vote on the previous question does give an opportunity for one of those who led the fight against the resolution to amend the resolution now pending before the House?

THE SPEAKER:⁽²⁾ The Chair will state in response to the parliamentary inquiry of the gentleman from Michigan that if the previous question is voted down, the resolution is open to amendment. The Chair's response is the same response as given to the gentleman from Hawaii.

Conference Report

§ 22.15 The voting down of the previous question on a conference report merely extends time for debate and does not afford an opportunity to amend the report.

On Mar. 1, 1939,⁽³⁾ the House was considering the conference report on the bill H.R. 3743, to provide appropriations for certain independent offices for 1940. The following discussion regarding the parliamentary situation occurred:

MR. [JOHN] TABER [of New York]: I understand from the Parliamentarian

16. John W. McCormack (Mass.).

1. 116 Cong. Rec. 20159, 20198-200, 91st Cong. 2d Sess.

2. John W. McCormack (Mass.).

3. 84 CONG. REC. 2085, 2086, 76th Cong. 1st Sess.

that a vote against the previous question would simply prolong the debate and that the only way we can get at this situation is to vote down the conference report completely. . . .

MR. [CLIFTON A.] WOODRUM of Virginia: Mr. Speaker, there is some confusion about the parliamentary situation. I ask unanimous consent to be permitted to submit a parliamentary inquiry, and that it not be taken out of the time that has been allotted for the consideration of the conference report.

THE SPEAKER: ⁽⁴⁾ Is there objection to the request of the gentleman from Virginia?

There was no objection.

MR. WOODRUM of Virginia: Mr. Speaker, it has been stated upon the floor by myself, and I think it was the general understanding of the rest of us, that in the event the previous question on the conference report were voted down the Senate amendments would then be open for separate consideration. Pursuant to the statement just made a few moments ago by the gentleman from New York, I discussed the matter with the Parliamentarian, and, as I understand the matter now, it appears that the only way the House could get a vote on this amendment would be to vote down the conference report; that then each Senate amendment would be before the House for separate consideration. My parliamentary inquiry is whether or not that is correct.

THE SPEAKER: The Chair is of opinion that the gentleman has very clearly stated the parliamentary situation. The mere voting down of the previous question would not afford an oppor-

tunity to the House to open up a conference report for amendments. In other words, the Chair, under the precedents, is clearly of the opinion that the only way in which a separate vote could be obtained upon any Senate amendment would be to vote down the conference report; that voting down the previous question would not afford an opportunity for such consideration.

MR. WOODRUM of Virginia: So nothing will be gained by voting down the previous question.

THE SPEAKER: It would merely extend the time for debate on the conference report.

Motion to Recommit Conference Report

§ 22.16 A motion to recommit a conference report is subject to amendment if the previous question is voted down.

On Aug. 16, 1950,⁽⁵⁾ the House was considering the conference report on H.R. 6000, the Social Security Act amendments. After the previous question had been moved on the conference report Mr. Walter A. Lynch, of New York, rose with a parliamentary inquiry:

MR. LYNCH: As I understand the situation, the gentleman from Wisconsin [Mr. Byrnes] having made a motion to recommit, and the previous question being put, if the motion for the previous question is voted down, an amendment could be offered to the mo-

4. William B. Bankhead (Ala.).

5. 96 CONG. REC. 12672, 81st Cong. 2d Sess.

tion to recommit? Is my understanding correct?

THE SPEAKER:⁽⁶⁾ If the motion for the previous question is not adopted, an amendment to the motion would be in order.

Renewing Rejected Motion

§ 22.17 The previous question, although moved and rejected, may be renewed after intervening business.

On Jan. 3, 1969,⁽⁷⁾ the House was considering House Resolution 1, relating to Representative-elect Adam C. Powell, Jr., of New York, taking the oath of office. Mr. Emanuel Celler, of New York, the proponent of the resolution, had earlier moved the previous question on the resolution, but the previous question was rejected. At that time Mr. Clark MacGregor, of Minnesota, offered a substitute for the resolution, but the substitute was ruled out on the point of order. The following then occurred:

MR. CELLER: Mr. Speaker, I move the previous question on the resolution.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁸⁾ The gentleman from Michigan will state his parliamentary inquiry.

6. Sam Rayburn (Tex.).

7. 115 CONG. REC. 25, 91st Cong. 1st Sess.

8. John W. McCormack (Mass.).

MR. GERALD R. FORD: Mr. Speaker, the House just a few moments ago defeated the previous question on the resolution offered by the gentleman from New York, and under the rules of the House and under the discretion given to the Speaker, the Speaker has the right to recognize the principal opponent of the resolution for 1 hour.

At the time the Chair recognized the gentleman from Minnesota, the gentleman from Minnesota (Mr. MacGregor), sought to offer a resolution, but the Chair has just now ruled against the germaneness of the resolution. I ask the question does the gentleman from Minnesota under this set of circumstances lose the right to offer a substitute and also to have 1 hour's time?

THE SPEAKER: The Chair will state in response to the parliamentary inquiry that at this point the motion on the previous question takes precedence over the motion to amend, and if the House wants to consider further amendment, the House can vote down the previous question.

§ 23. Rejection of Motion as Affecting Recognition

Opponents of Resolution

§ 23.1 If the previous question is voted down on a resolution before the House, recognition passes to the opponents of the resolution, and the Chair recognizes one of the leaders of the opposition and gives preference to a member of the minority if he ac-

tively opposed ordering the previous question.

On July 20, 1939,⁽⁹⁾ the House was considering House Resolution 258, providing for an investigation of the National Labor Relations Board. Mr. Howard W. Smith, of Virginia, moved the previous question on the resolution and then posed a parliamentary inquiry:

MR. SMITH of Virginia: If I understand the situation correctly, if the previous question is voted down, the control of the measure would pass to the gentleman from Illinois [Mr. Keller]; and the resolution would not be open to amendment generally, but only to such amendments as the gentleman from Illinois might yield for. Is my understanding correct, Mr. Speaker?

THE SPEAKER:⁽¹⁰⁾ If the previous question is voted down, it would not necessarily pass to the gentleman from Illinois; it would pass to the opponents of the resolution. Of course, a representative of the minority would have the first right of recognition.

§ 23.2 The previous question on a resolution being voted down, the Speaker recognized a Member opposed to the resolution to offer an amendment.

On Sept. 15, 1961,⁽¹¹⁾ the House was considering House Resolution

9. 84 CONG. REC. 9591, 9592, 76th Cong. 1st Sess.

10. William B. Bankhead (Ala.).

11. 107 CONG. REC. 19750, 19751, 19755, 19758, 19759, 87th Cong. 1st Sess.

464, providing for consideration of H.R. 7927, providing for an adjustment of the postal rates. The following then occurred:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, I find myself in somewhat of a dilemma. I am for this bill; but I am against the rule. . . .

Mr. Speaker, will the gentleman yield for the purpose of offering an amendment to make this an open rule?

MR. [B. F.] SISK [of California]: I do not yield for that purpose.

MR. SPEAKER, I MOVE THE PREVIOUS QUESTION. . . .

THE SPEAKER PRO TEMPORE:⁽¹²⁾ . . . The question is on ordering the previous question.

The question was taken; and there were—yeas 142, nays 222, answered “present” 2, not voting 71. . . .

So the motion to order the previous question was rejected. . . .

MR. COLMER: Mr. Speaker, I offer an amendment.

§ 23.3 The motion for the previous question having been rejected, the Speaker recognized the Minority Leader to offer an amendment to the pending resolution.

On Jan. 10, 1967,⁽¹³⁾ the House was considering House Resolution 1, relating to the right of Representative-elect Adam C. Powell, Jr., of New York, to take the oath

12. John W. McCormack (Mass.).

13. 113 CONG. REC. 24–26, 90th Cong. 1st Sess.

of office. After Mr. Morris K. Udall, of Arizona, moved the previous question on the resolution the following occurred:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, on the vote on the previous question I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 305, not voting 0. . . .

So the motion was rejected. . . .

THE SPEAKER:⁽¹⁴⁾ The Chair recognizes the gentleman from Michigan [Mr. Gerald R. Ford].

AMENDMENT OFFERED BY MR. GERALD R. FORD

MR. GERALD R. FORD: Mr. Speaker, I offer a substitute for House Resolution 1.⁽¹⁵⁾

§ 23.4 Where the previous question is rejected on a pending resolution, the Speaker recognizes a Member opposed to the resolution who may offer an amendment; and the recognition of the Member is not precluded by the fact that he has been previously recognized and offered an amendment which was ruled out on a point of order.

14. John W. McCormack (Mass.).

15. See also 113 CONG. REC. 5019, 5029, 5036–38, 90th Cong. 1st Sess., Mar. 1, 1967.

On Jan. 3, 1969,⁽¹⁶⁾ the House was considering House Resolution 1, authorizing the Speaker to administer the oath of office to Representative-elect Adam C. Powell, Jr., of New York. Mr. Clark MacGregor, of Minnesota, had offered an amendment to the resolution, but that amendment was ruled out on a point of order. Mr. Emanuel Celler, of New York, the proponent of the original resolution, then moved the previous question on his resolution. The following occurred:

MR. CELLER: Mr. Speaker, I move the previous question and insist upon the previous question. . . .

The question was taken; and there were—yeas 172, nays 252, not voting 4, not sworn 6. . . .

So the previous question was not ordered. . . .

MR. MACGREGOR: Mr. Speaker, I have pending at the Clerk's desk a resolution which I offer as a substitute for the resolution ruled out on the point of order, as an amendment to House Resolution 1.

After the Clerk read the substitute offered by Mr. MacGregor, the Speaker⁽¹⁷⁾ stated, "The gentleman from Minnesota is recognized for one hour."

§ 23.5 Recognition to offer an amendment to a resolution

16. 115. CONG. REC. 25–29, 91st Cong. 1st Sess.

17. John W. McCormack (Mass.).

called up prior to the adoption of the rules passes to a Member opposed to the resolution if the previous question is rejected.

On Jan. 10, 1967,⁽¹⁸⁾ the House was considering House Resolution 1, relating to the right of Representative-elect Adam C. Powell, Jr., of New York, to take the oath of office. Mr. Joe D. Waggonner, Jr., of Louisiana, rose with a series of parliamentary inquiries.

MR. WAGGONNER: Mr. Speaker, if the previous question is voted down would, then, under the rules of the House, amendments or substitutes be in order to the resolution offered by the gentleman from Arizona [Mr. Udall]?

THE SPEAKER:⁽¹⁹⁾ The Chair will state to the gentleman from Louisiana [Mr. Waggonner] that any germane amendment may be in order to that particular amendment.

MR. WAGGONNER: Mr. Speaker, one further parliamentary inquiry.

THE SPEAKER: The gentleman from Louisiana [Mr. Waggonner] will state his parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, under the rules of the House would the option or priority or a subsequent amendment or a substitute motion lie with the minority?

THE SPEAKER: The Chair will pass upon that question based upon the rules of the House. That would be a

question that would present itself to the Chair at that particular time.

A direct answer to the question which has been posed by the gentleman from Louisiana [Mr. Waggonner] would be this: Until the situation arises an answer to the question which has been propounded by the gentleman from Louisiana [Mr. Waggonner] cannot be given by the Chair at this time. However, the usual procedure of the Chair has been to the effect that the Member who led the fight against the resolution will be recognized.⁽²⁰⁾

Opponents of Rules Committee Resolution

§ 23.6 In response to a parliamentary inquiry the Speaker advised that if the previous question on a privileged resolution reported by the Committee on Rules were voted down, the Chair would recognize the Member who appeared to be leading the opposition to the resolution.

On Oct. 19, 1966,⁽¹⁾ the House was considering House Resolution 1013, establishing a Select Committee on Standards and Conduct. The following occurred:

MR. [JAMES G.] FULTON of Pennsylvania: Mr. Speaker, if the previous

18. 113 CONG. REC. 14, 15, 90th Cong. 1st Sess.

19. John W. McCormack (Mass.).

20. See also 115 CONG. REC. 27-29, 91st Cong. 1st Sess., Jan 3, 1969.

1. 112 CONG. REC. 27725, 89th Cong. 2d Sess.

question is refused and the resolution is then open for amendment, under what parliamentary procedure will the debate continue? Or what would be the time limit?

THE SPEAKER:⁽²⁾ The Chair would recognize whoever appeared to be the leading Member in opposition to the resolution.⁽³⁾

Motion to Instruct Conferees

§ 23.7 If the previous question is voted down on a motion to instruct the managers on the part of the House, the motion is open to amendment, and the Speaker would recognize a Member opposed to ordering the previous question to control the time and offer an amendment.

On May 29, 1968,⁽⁴⁾ the House was considering H.R. 15414, the Revenue and Expenditure Act of 1968. Mr. James A. Burke, of Massachusetts, offered a motion to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill. The previous question was then or-

2. John W. McCormack (Mass.).

3. See also 116 CONG. REC. 19837, 19840, 19843, 19844, 91st Cong. 2d Sess., June 16, 1970; and 84 CONG. REC. 2663, 2670, 2671, 2673, 76th Cong. 1st Sess., Mar. 13, 1939.

4. 114 CONG. REC. 15499, 15500, 15511, 15512, 90th Cong. 2d Sess.

dered on the motion. Mr. Joe D. Waggonner, Jr., of Louisiana, rose with a parliamentary inquiry.

MR. WAGGONNER: Mr. Speaker, should the previous question be voted down would the motion be open to a preferential motion to amend and would of necessity the time be controlled by those in opposition to the previous question?

THE SPEAKER:⁽⁵⁾ . . . The answer to the parliamentary inquiry of the gentleman from Louisiana would be in the affirmative.

Recognition of Member of Majority

§ 23.8 A majority member who had led the opposition to the previous question on the resolution adopting the rules was recognized, upon rejection of the previous question, to offer an amendment, where no minority member who had been opposed to the previous question sought recognition.

On Jan. 22, 1971,⁽⁶⁾ the House was considering House Resolution 5, adopting the rules of the House for the 92d Congress. Mr. William M. Colmer, of Mississippi, moved the previous question on the resolution and the following occurred:

MR. COLMER: . . . Mr. Speaker, I move the previous question on the res-

5. John W. McCormack (Mass.).

6. 117 CONG. REC. 140, 142-44, 92d Cong. 1st Sess.

olution, as I am bound to do by the caucus.

THE SPEAKER:⁽⁷⁾ The question is on ordering the previous question.

MR. [B.F.] SISK [of California]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 254, not voting 46. . . .

THE SPEAKER: The Chair recognizes the gentleman from California (Mr. Sisk).

MR. SISK: Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sisk: On page 2, strike out lines 1 through 25, and on page 3, strike out lines 1 through 18.

THE SPEAKER: The gentleman from California is recognized for 1 hour.

§ 24. Effect of Adjournment

Adjournment After Motion for Previous Question

§ 24.1 Where a quorum failed on ordering the previous question on a bill under consideration on a Calendar Wednesday, and the House adjourned, the vote went over until the next Calendar Wednesday.

7. Carl Albert (Okla.).

On Mar. 7, 1935,⁽⁸⁾ the following occurred on the floor of the House:

MR. [FREDERICK R.] LEHLBACH [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. LEHLBACH: Yesterday the previous question was moved on a bill then pending, and upon a division the vote was 36 to 16, whereupon a point of no quorum was made. Under the rules of the House there would follow an automatic roll call on the question of ordering the previous question, but before proceedings could be had the gentleman from New York [Mr. O'Connor] moved that the House adjourn, and the House accordingly adjourned. My inquiry is, Is the motion for the previous question still pending?

THE SPEAKER: The motion is pending and the vote will again be taken the next time the committee is called under the Calendar Wednesday rule; that will be the first business in order when the Judiciary Committee is again called on Calendar Wednesday.

§ 24.2 If the previous question is ordered on a bill and amendments thereto, and the House adjourns, the bill becomes the unfinished business the following day and separate votes may be demanded on the amendments at that time.

8. 79 CONG. REC. 3121, 74th Cong. 1st Sess.

9. Joseph W. Byrns (Tenn.).

On May 17, 1939,⁽¹⁰⁾ the House was considering H.R. 6264, relating to public works on rivers and harbors. The following then occurred:

MR. [JOSEPH J.] MANSFIELD [of Texas]: Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

MR. [SAM] RAYBURN [of Texas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹¹⁾ The gentleman will state it.

MR. RAYBURN: Were the House to adjourn at this time, would the present bill be pending business tomorrow?

THE SPEAKER: Answering the parliamentary inquiry of the gentleman from Texas, the Chair will state that the previous question having been ordered on the bill and all amendments to final passage, it would be the unfinished and privileged order of business tomorrow morning.

MR. RANKIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. RANKIN: Can these individual amendments then be voted on?

THE SPEAKER: A separate vote can be demanded on them when that question is reached.⁽¹²⁾

E. MOTIONS TO REFER OR RECOMMIT

§ 25. In General

There are in the rules of the House four motions to refer: the ordinary motion provided for in the first sentence of clause 4, Rule XVI⁽¹³⁾ when a question is "under debate;" the motion to recommit with or without instructions after the previous question has been ordered on a bill or joint resolution to final passage, provided in the

second sentence of clause 4, Rule XVI; the motion to commit, with or without instructions, pending the motion for or after the ordering of the previous question as provided in clause 1, Rule XVII;⁽¹⁴⁾ and the motion to refer, with or without instructions, pending a vote in the House on a motion to strike out the enacting clause as provided in clause 7, Rule XXIII.⁽¹⁵⁾ The terms "refer,"

10. 84 CONG. REC. 5682, 76th Cong. 1st Sess.

11. William B. Bankhead (Ala.).

12. See also 72 CONG. REC. 8964, 71st Cong. 2d Sess., May 14, 1930; and 72 CONG. REC. 7774, 71st Cong. 2d Sess., Apr. 25, 1930.

13. *House Rules and Manual* §782 (1981).

14. *House Rules and Manual* §804. See 5 Hinds' Precedents §5569.

15. *House Rules and Manual* §875 (1981).

“commit,” and “recommit” are sometimes used interchangeably,⁽¹⁶⁾ but when used in the precise manner contemplated in each rule, reflect certain differences based upon whether the question to which applied is “under debate,” whether a bill or joint resolution, a concurrent or simple resolution, or conference report, is under consideration, whether the motion itself is debatable, whether the motion may include instructions to report back “forthwith” with an amendment, and whether a minority member or a Member opposed to the question to which the motion is applied is entitled to a priority of recognition.

The motions may not be used in direct form in Committee of the Whole.⁽¹⁷⁾ It is in order for the Committee of the Whole to rise and report back to the House with the recommendation that the measure under consideration be recommitted, but such a motion is entertained only at the completion of reading the bill for amendment⁽¹⁸⁾ and then only in situations where the Committee of the Whole is proceeding under the general rules of the House.⁽¹⁹⁾

16. 5 Hinds' Precedents §5521; 8 Cannon's Precedents §2736.

17. 4 Hinds' Precedents §4721; 8 Cannon's Precedents §2326.

18. 4 Hinds' Precedents §§4761, 4762.

19. 8 Cannon's Precedents §2329.

Where, on the other hand, a bill is being considered under a special rule providing that after consideration for amendment the Committee automatically rises “and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion” at the conclusion of the amendment process under the five-minute rule, the motion is not in order, since precluded by the language of the special rule.⁽²⁰⁾ It cannot be combined in Committee of the Whole as part of a motion to rise with the recommendation that the enacting clause be stricken.⁽²¹⁾

The simple motion to refer under the first sentence of clause 4, Rule XVI is debatable within narrow limits,⁽¹⁾ but the merits of the proposition which it is proposed to refer may not be brought into the debate.⁽²⁾ It may include instructions or be amended to include instructions⁽³⁾ (so long as

20. See §26.5, *infra*, where special rule precluded such a motion, and see also discussions in Ch. 19 §23.12, *supra* (Committee of the Whole) under “Motions to Rise.”

21. See Ch. 19 §§10.10, 10.12, *supra*.

1. 5 Hinds' Precedents §5054.

2. 5 Hinds' Precedents §§5564–68; 6 Cannon's Precedents §§65, 549; 8 Cannon's Precedents §2740.

3. 5 Hinds' Precedents §5521.

those instructions are not to report back forthwith with an amendment if offered at the outset of consideration), may intervene at the outset⁽⁴⁾ but not after debate has begun in the House,⁽⁵⁾ and may be offered by any Member (who need not qualify as being in opposition to the pending question), when any bill or resolution is “under debate,” i.e., when the previous question has not been moved or ordered. The motion is debatable under the hour rule whether or not accompanied by instructions⁽⁶⁾ unless the previous question has been ordered thereon, and once disposed of, cannot be offered again at the same stage of the question on the same day.⁽⁷⁾

The motion to recommit a bill or joint resolution after the previous question shall have been ordered pending the question of final passage is provided in the second sentence of clause 4, Rule XVI, and recognition to offer that motion to recommit, whether a “straight” motion or with instructions, is the prerogative of a Member who is opposed to the bill or joint resolution,⁽⁸⁾ the Speaker looking first to

minority members of the committee reporting the bill, in order of their rank on the committee,⁽⁹⁾ then to other Members on the minority side,⁽¹⁰⁾ and then to a majority member who is opposed if no minority member qualifies.⁽¹¹⁾ The threshold question asked in qualifying a Member to offer the motion to recommit is, “Is the gentlemen (gentlewoman) opposed to the measure?” Beyond this, the Member entitled to offer the motion is determined by the Speaker’s power of recognition, but rulings indicate that the Speaker will follow the above-mentioned priorities in recognition. Basically, the motion is the prerogative of the minority, and recognition would be offered to a less senior minority member of the reporting committee in preference to a more senior majority member of that committee. A majority member of the reporting committee would have lower priority than a minority member not on the reporting committee.

The Chair no longer gives priority to Members opposed to the

4. 6 Cannon’s Precedents § 65.

5. 6 Cannon’s Precedents § 468; 8 Cannon’s Precedents § 2742.

6. 5 Hinds’ Precedents § 5561.

7. Rule XVI clause 4, *House Rules and Manual* § 782 (1981).

8. 100 CONG. REC. 3967, 83d Cong. 2d Sess., Mar. 29, 1954 [Speaker Joseph W. Martin (Mass.)].

9. 78 CONG. REC. 1396, 73d Cong. 2d Sess., Jan. 6, 1932 [Speaker John N. Garner (Tex.)]; 81 CONG. REC. 10638, 75th Cong. 1st Sess., July 2, 1935 [Speaker Joseph W. Byrns (Tenn.)].

10. 96 CONG. REC. 12608, 81st Cong. 2d Sess., Aug. 16, 1950 [Speaker Sam Rayburn (Tex.)].

11. 78 CONG. REC. 7327, 73d Cong. 2d Sess., Apr. 1, 1932 [Speaker John N. Garner (Tex.)].

measure in its entirety over those opposed to the measure “in its present form.”⁽¹²⁾ If the motion is ruled out on a point of order, its proponent or another qualifying Member is entitled to offer a proper motion to recommit.⁽¹³⁾ The Committee on Rules is precluded under clause 4(b), Rule XI⁽¹⁴⁾ from reporting a special rule which would prevent the motion to recommit from being made as provided in clause 4, Rule XVI (in the second sentence), although it may report a special rule limiting to a straight motion, or precluding certain instructions in, the motion to recommit which may be offered on a bill or joint resolution pending final passage.⁽¹⁵⁾

The motion to commit under clause 1, Rule XVII applies to resolutions, and to concurrent resolutions as well as to bills and joint resolutions,⁽¹⁶⁾ to conference reports in cases where the House is acting first on the report and to

motions, such as a motion to amend the Journal.⁽¹⁷⁾ It does not apply to a report from the Committee on Rules providing a special order of business,⁽¹⁸⁾ or to a pending amendment to a proposition in the House.⁽¹⁹⁾ Although a motion to commit under this clause, with instructions to report back forthwith with an amendment has been allowed after the previous question has been ordered on a motion to dispose of Senate amendments before the stage of disagreement,⁽²⁰⁾ a motion to commit under this clause does not apply to a motion disposing of Senate amendments after the stage of disagreement where utilized to displace a pending preferential motion.⁽¹⁾ The motion to commit under clause 1, Rule XVII may be made pending the demand for the previous question on passage of a bill or adoption of a resolution,⁽²⁾ but when the demand covers all stages of the bill to the final passage the motion to commit is made only after the third

12. See §§27.8, 27.9, *infra*. These precedents supersede earlier precedents in which priority was accorded to Members totally opposed.

13. 8 Cannon's Precedents §2713.

14. *House Rules and Manual* §729a (1981).

15. H. JOUR. 47, 73d Cong. 2d Sess., Jan. 11, 1934 [Speaker Henry T. Rainey (Ill.)].

16. 5 Hinds' Precedents §§5572, 5573; 8 Cannon's Precedents §2742.

17. 5 Hinds' Precedents §5574.

18. *Id.* at §§5593–5601; 8 Cannon's Precedents §§2270, 2750.

19. 5 Hinds' Precedents §5573.

20. *Id.* at §5575; 8 Cannon's Precedents §§2744, 2745.

1. 122 CONG. REC. 30887, 94th Cong. 2d Sess., Sept. 16, 1976 [Speaker Carl Albert (Okla.)].

2. 5 Hinds' Precedents §5576.

reading and becomes, in effect, the motion as provided in the second sentence of clause 4, Rule XVI, and is not in order pending the demand or before the engrossment or third reading,⁽³⁾ or where the House has refused to order the third reading.⁽⁴⁾ When separate motions for the previous question are made, respectively, on the third reading and on the passage of a bill, the motion to commit should only be made after the previous question is ordered on passage.⁽⁵⁾ When the previous question has been ordered on a simple resolution and a pending amendment thereto, the motion to commit should be offered after the vote on the amendment.⁽⁶⁾ A motion to commit has been entertained after ordering of the previous question even before the adoption of rules at the beginning of a Congress.⁽⁷⁾ The same principles of recognition apply to the motion to commit under clause 1, Rule XVII as apply to the motion to recommit under the second sentence of clause 4, Rule XVI, but a motion under clause 1, Rule XVII to commit a resolution called up in the House as a privileged mat-

ter and not previously referred to committee does not depend on party affiliation or on opposition to the resolution.⁽⁸⁾ The motion to commit under this clause is not debatable,⁽⁹⁾ but may be amended, as by adding instructions, unless such amendment is precluded by moving the previous question on the motion to commit.⁽¹⁰⁾

The motion to refer is also provided in clause 7, Rule XXIII, which permits the offering of a motion to refer a measure to any committee, with or without instructions, pending concurrence in the House in a recommendation from the Committee of the Whole that the enacting clause of a measure be stricken. Since the recommendation that the enacting clause be stricken may interrupt and supersede the offering of amendments in Committee of the Whole, and since the motion to recommit pending the vote in the House on striking the enacting clause may be an alternative for those who oppose killing the bill, persuasive dicta in the precedents indicate that "the motion to recommit is made not by persons

3. *Id.* at §§ 5578–81.

4. *Id.* at §§ 5602, 5603.

5. *Id.* at § 5577.

6. *Id.* at §§ 5585–88.

7. 8 Cannon's Precedents § 2755.

8. 122 CONG. REC. 3920, 94th Cong. 2d Sess., Feb. 19, 1976 [Speaker Carl Albert (Okla.)].

9. 5 Hinds' Precedents § 5582.

10. *Id.* at §§ 5582–84; 8 Cannon's Precedents § 2695.

who favored the striking out of the enacting clause but by their opponents. The presumption would be that, having succeeded in the Committee, they would also succeed in the House and would wish to come to an immediate decision; and apparently the provision for a motion to refer was inserted so that the friends of the original bill might avert its permanent death by referring it again to committee, where it could again be considered in the light of the action of the House.”⁽¹¹⁾ Based upon this reasoning, it would not appear that the motion to recommit in this situation would be the prerogative of the minority or that the Member seeking recognition to offer it must qualify as being opposed to the bill. As indicated in Chapter 19, Sec. 11.14, *supra*, the motion has, however, been offered in the modern practice by the same Member who had successfully offered the motion in Committee of the Whole to rise with the recommendation that the enacting clause be stricken.

The motion to refer, commit, or recommit may in certain situations include instructions. The “straight” motion (i.e., without instructions) sends a measure to a specified committee and leaves the disposition thereof, together

with any amendments adopted by the House which may also have been referred, to the discretion of the committee. The straight motion to commit or recommit is not debatable where made pending the previous question or after the previous question has been ordered.⁽¹²⁾ The motion to refer, commit, or recommit may specify that the reference shall be to a select as well as a standing committee⁽¹³⁾ without regard for rules of jurisdiction,⁽¹⁴⁾ and may provide for reference to another committee than that reporting the bill,⁽¹⁵⁾ or to the Committee of the Whole,⁽¹⁶⁾ but not to a subcommittee.⁽¹⁷⁾ The straight motion and the motion with instructions are of equal privilege and have no relative precedence.⁽¹⁸⁾

The motion to commit or recommit with instructions, if made under the second sentence of clause 4, Rule XVI, is debatable for 10 minutes, five minutes in favor of the motion and five opposed, and only on a bill or joint resolution pending final passage.

11. 8 Cannon's Precedents § 2629.

12. 5 Hinds' Precedents § 5582.

13. 4 Hinds' Precedents § 4401.

14. *Id.* at § 4375; 5 Hinds' Precedents § 5527.

15. 8 Cannon's Precedents § 2696, 2736.

16. 5 Hinds' Precedents § 5552, 5553.

17. 8 Cannon's Precedents § 2739.

18. *Id.* at §§ 2714, 2758, 2762.

Instructions accompanying a motion to recommit may direct the committee(s) to which the measure is recommitted to take certain actions. Often the committee is instructed to report the measure back to the House immediately (“forthwith”) with an amendment contained in the instructions. However, unless provision is included in a special rule adopted by the House, it is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment,⁽¹⁹⁾ such as to propose an amendment which is not germane, to propose to strike out or amend merely that which has already been inserted by way of amendment,⁽¹⁾ to propose an amendment in violation of clauses 2, 5, or 6 of Rule XXI,⁽²⁾ or to change the rules of the House by granting a committee leave to report at any time or requiring a report on a date certain.⁽³⁾ Where a special rule providing for the consideration of a bill prohibited the offering of amendments to a certain title of the bill during its con-

sideration in both the House and Committee of the Whole, it was held not in order to offer a motion to recommit with instructions to incorporate an amendment in the restricted title.⁽⁴⁾ The motion may not be accompanied by a preamble, argument, or explanation,⁽⁵⁾ and it may not be laid on the table where the previous question has been ordered or is pending on the measure to which applied.⁽⁶⁾ Only one proper motion to commit or recommit is in order, where the previous question has been ordered to final passage or adoption.⁽⁷⁾

Upon approval of the motion to recommit with instructions to report back forthwith with an amendment, this process is automatic and the committee is not required to convene and consider the measure. The chairman or other designated committee member rises and announces that pursuant to the instructions of the House, he is reporting the measure back to the House with the amendment which was included in the instructions.⁽⁸⁾ At this point

19. 5 Hinds' Precedents §5529-41; 8 Cannon's Precedents §2705.

1. 8 Cannon's Precedents §§2712, 2715, 2720, 2721.

2. *House Rules and Manual* §§834, 846, 847 (1981); see 5 Hinds' Precedents §5533-40.

3. 5 Hinds' Precedents §§5543, 5549.

4. H. JOUR. 47, 73d Cong. 2d Sess., Jan. 11, 1934 [Speaker Henry T. Rainey (Ill.)].

5. 5 Hinds' Precedents §5589; 8 Cannon's Precedents §2749.

6. 5 Hinds' Precedents §§5412-14.

7. *Id.* at §§5577, 5582; 8 Cannon's Precedents §2763.

8. See §§28.9, 32.23, 32.24, *infra*.

a vote is taken on the amendment,⁽⁹⁾ and on at least one occasion the House has defeated the amendment when so reported.⁽¹⁰⁾ Thus the offering of a motion to recommit with instructions may give the minority an opportunity to have its version of the pending measure placed before the House for a vote, subject to the restrictions on prior House adoption of amendments and depending upon any special authority conferred in a special rule reported from the Committee on Rules to offer a motion to recommit “with or without instructions” notwithstanding prior House adoption of an inconsistent amendment. However, the motion to recommit with instructions may be amended if the previous question is not ordered thereon, and a substitute which strikes out all of the proposed instructions and inserts others in their place is in order if germane to the pending measure, and has been held not to violate the right of the minority to move to recommit.⁽¹¹⁾ When a bill is recommitted it is before the committee as a new subject,⁽¹⁾ but the committee must confine itself to the instructions, if there be any.⁽²⁾

9. See §§32.23, 32.24, *infra*.

10. See §32.28, *infra*.

11. 8 Cannon's Precedents §2759.

1. 4 Hinds' Precedents §4557; 5 Hinds' Precedents §5558.

2. 4 Hinds' Precedents §4404; 5 Hinds' Precedents §5526.

Motion as Subject to Amendment

§ 25.1 A motion to recommit is subject to amendment unless the previous question is ordered thereon; and the previous question takes precedence of the motion to amend.

On Aug. 11, 1969,⁽³⁾ the House was considering H.R. 12982, the District of Columbia Revenue Act for 1969. After the bill was engrossed and read a third time, Mr. Alvin E. O'Konski, of Wisconsin, offered a motion to recommit. The following then occurred:

MR. [BROCK] ADAMS [of Washington]: Mr. Speaker, I have an amendment to the motion to recommit. MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question on the motion to recommit.

THE SPEAKER:⁽⁴⁾ The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division [demanded by Mr. Adams] there were—ayes 104, noes 65.

So the previous question was ordered.⁽⁵⁾

THE SPEAKER: The question is on the motion to recommit.

The motion to recommit was rejected.

3. 115 CONG. REC. 23143, 91st Cong. 1st Sess.

4. John W. McCormack [Mass.].

5. See also 84 CONG. REC. 3671, 76th Cong. 1st Sess., Mar. 31, 1939.

§ 25.2 In response to a parliamentary inquiry, the Speaker stated that a motion to recommit a bill is not amendable unless the previous question is voted down on the motion.

On May 6, 1970,⁽⁶⁾ the House was considering H.R. 17123, authorizing military procurement for fiscal 1971. After Mr. Alvin E. O'Konski, of Wisconsin, offered a motion to recommit the bill, Mr. Silvio O. Conte, of Massachusetts, rose with a parliamentary inquiry.

MR. CONTE: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁷⁾ The gentleman will state it.

MR. CONTE: Mr. Speaker, is a motion to recommit amendable?

THE SPEAKER: Not unless the previous question is voted down.⁽⁸⁾

§ 25.3 Parliamentarian's Note: A point of order against an amendment to a motion to recommit is in order immediately following the reading of the amendment.

6. 116 CONG. REC. 14490, 91st Cong. 2d Sess.

7. John W. McCormack (Mass.).

8. See also 114 CONG. REC. 18940, 18941, 90th Cong. 2d Sess. June 26, 1968; and 101 CONG. REC. 9379, 84th Cong. 1st Sess., June 28, 1955.

Reference to Particular Committees

§ 25.4 A motion to recommit may provide for reference of the bill under consideration to any committee of the House.

On Aug. 7, 1950,⁽⁹⁾ the House was considering H.R. 8396, authorizing federal assistance to state and local governments in times of major disasters. The following then occurred.

MR. [KENNETH B.] KEATING [of New York]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁰⁾ Is the gentleman opposed to the bill?

MR. KEATING: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Keating moves to recommit the bill to the Committee on Public Lands with instructions to report the same back forthwith with the following amendment: Page 2, line 6, after "President" insert "and the Congress of the United States". I make the point of order against the motion to recommit that it is a violation of the rules of the House for the bill to be recommitted to the Committee on Public Lands. The Committee on Public Works has jurisdiction of this bill.

THE SPEAKER: The gentleman may recommit it to any committee, as far as

9. 96 CONG. REC. 11914, 81st Cong. 2d Sess.

10. Sam Rayburn (Tex.).

that is concerned, but the Committee on Public Lands does not have jurisdiction over legislation of this character.

MR. KEATING: Mr. Speaker, I ask unanimous consent to change the word "Lands" to "Works."

THE SPEAKER: Is there objection to the request of the gentleman from New York?

There was no objection.

THE SPEAKER: The question is on the motion to recommit.

§ 25.5 The motion to recommit a measure may refer it to any committee of the House, and such motion need not necessarily refer the measure to the committee that originally reported it.

On Dec. 21, 1932,⁽¹¹⁾ the Committee of the Whole having considered H.R. 13742, to provide revenue by the taxation of a certain nonintoxicating liquor, reported the bill back to the House. After the engrossed copy was read the following occurred:

MR. [FRANK] CROWTHER [of New York]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹²⁾ Is the gentleman opposed to the bill?

MR. CROWTHER: I am.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

11. 76 CONG. REC. 866, 72d Cong. 2d Sess.

12. John N. Garner (Tex.).

Mr. Crowther moves to recommit the bill (H.R. 13742) to the Committee on the Judiciary.

MR. CROWTHER: Mr. Speaker, on that motion I move the previous question.

MR. [JOHN J.] COCHRAN of Missouri:

Mr. Speaker, I make the point of order against the motion to recommit. This bill came from the Committee on Ways and Means, and the motion to recommit is to the Judiciary Committee. The precedents——

THE SPEAKER: This is not a question of precedent. You can move to recommit it to any committee of the House.

Recommittal to Committee Reporting Bill

§ 25.6 If the Committee of the Whole reports a bill back to the House with the recommendation that the enacting clause be stricken, a motion to recommit the bill to the committee reporting it is in order in the House.

On July 18, 1946,⁽¹³⁾ the Committee of the Whole having considered the bill S. 1717, relating to the development and control of atomic energy, a motion was made to report that bill back to the House with the recommendation that the enacting clause be stricken out. The following then occurred:

MR. [GRAHAM A.] BARDEN [of North Carolina]: Mr. Chairman, a parliamentary inquiry.

13. 92 CONG. REC. 9355, 9356, 79th Cong. 2d Sess.

THE CHAIRMAN:⁽¹⁴⁾ The gentleman will state it.

MR. BARDEN: As I understand the parliamentary situation, if this motion prevails, when we go back into the House it would be proper to introduce a motion to recommit the bill back to the committee for further consideration; is that not correct?

THE CHAIRMAN: That is correct. . . . When we go back into the House, the House will vote whether or not they want to strike out the enacting clause.

MR. BARDEN: Mr. Chairman, instead of voting whether or not we want to strike out the enacting clause, will it not be a vote to recommit to the committee?

THE CHAIRMAN: After we go back into the House, a motion to recommit would be in order.

Permitting More Than One Motion

§ 25.7 Where a motion to recommit with an instruction was ruled out on a point of order, a second motion with another instruction was admitted.

On Apr. 28, 1932,⁽¹⁵⁾ the House was considering H.R. 11452, the Navy Department appropriations bill. The following then occurred:

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Speaker, I have a motion to recommit.

14. John J. Delaney (N.Y.).

15. 75 CONG. REC. 9147, 72d Cong. 1st Sess.

THE SPEAKER:⁽¹⁶⁾ Is the gentleman opposed to the bill?

MR. COLLINS: I am.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Collins moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment: On page 25, line 19, before the semicolon, insert "*Provided further*, That the total number of enlisted men in the ratings of bandmaster, first musician, musician first class and musician second class on April 18, 1932, shall be reduced by 355 by discontinuing new enlistments and reenlistments not continuous in such ratings and/or placing in such ratings men otherwise rated."

MR. [CARL R.] CHINDBLOM [of Illinois]: Mr. Speaker, a point of order. My understanding is that action was taken on this question by an amendment passed in the House. That was stricken out by an amendment.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, that is not a good point of order. The Speaker can not take cognizance of any action that has been taken in Committee of the Whole on the state of the Union except as reported to the House. The chairman of the committee reports only the facts as to amendments, and there was no report that any part of the bill had been stricken out.

THE SPEAKER: The gentleman from Illinois makes the point of order that the motion to recommit attempts to reinsert language that was stricken out of the bill in the House by agreeing to

16. John N. Garner (Tex.).

an amendment reported from the Committee of the Whole. The rulings are uniform that you can not undo in a motion to recommit that which the House has just disposed of, so the point of order is well taken.

MR. [JOHN C.] SCHAFER [of Wisconsin]: Mr. Speaker, I have a motion to recommit. I move that the bill be re-committed to the Committee on Appropriations with instructions to report it back after further consideration with 10 per cent reduction in the total amount of the appropriation.

THE SPEAKER: The Clerk will report the motion to recommit.

Effect of Special Order

§ 25.8 Where a special rule by its terms ordered the previous question at a certain time on a bill to final passage, it was held that a motion to recommit was in order notwithstanding the provisions of the special rule.

On Mar. 11, 1933,⁽¹⁷⁾ Mr. Joseph W. Byrns, of Tennessee, rose with the following resolution:

MR. BYRNS: Mr. Speaker, I offer the following resolution, move its adoption, and upon that motion I move the previous question.

The Clerk read as follows:

Resolution offered by Mr. Byrns:

“HOUSE RESOLUTION 32

“*Resolved*, That immediately upon the adoption of this resolution the

House shall proceed to the consideration of H.R. 2820, a bill to maintain the credit of the United States Government, and all points of order against said bill shall be considered as waived; that, after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Economy, the previous question shall be considered as ordered on the bill to final passage.”

MR. [GORDON] BROWNING [of Tennessee]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁸⁾ The gentleman will state it.

MR. BROWNING: If this resolution is adopted, there will not be any privilege of amendment given to the House, under any consideration?

THE SPEAKER: There will not be.

MR. BROWNING: Would a motion to recommit be in order following the third reading of the bill?

THE SPEAKER: It would; yes.

§ 25.9 The Committee on Rules may not report any order or rule which shall operate to prevent the offering of a motion to recommit as provided in Rule XVI clause 4, but such restriction does not apply to a special rule which may prevent a motion to recommit with instructions to incorporate an amendment in a title to which such special rule precludes the offering of amendments.

17. 77 CONG. REC. 198, 73d Cong. 1st Sess.

18. Henry T. Rainey (Ill).

On Jan. 11, 1934,⁽¹⁹⁾ the following occurred on the floor of the House:

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, at the request of the Chairman of the Committee on Rules, the gentleman from North Carolina, I call up for consideration House Resolution 217 and ask that the same be reported.

The Clerk read as follows:

HOUSE RESOLUTION 217

Resolved, That during the consideration of H.R. 6663, a bill making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1935, and for other purposes, all points of order against title II or any provisions contained therein are hereby waived; and no amendments or motions to strike out shall be in order to such title except amendments or motions to strike out offered by direction of the Committee on Appropriations, and said amendments or motions shall be in order, any rule of the House to the contrary notwithstanding. Amendments shall not be in order to any other section of the bill H.R. 6663 or to any section of any general appropriation bill of the Seventy-third Congress which would be in conflict with the provisions of title II of the bill H.R. 6663 as reported to the House, except amendments offered by direction of the Committee on Appropriations, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. . . .

MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I make the point

19. 78 CONG. REC. 479, 480, 482, 483, 73d Cong. 2d Sess.

of order against the rule that it is not a privileged report from the Committee on Rules, on the ground that it violates the general rules of the House by denying the right to the minority to make the usual and regular motion to recommit.

THE SPEAKER:⁽²⁰⁾ The Chair will hear the gentleman from New York.

MR. SNELL: Mr. Speaker, as far as I am familiar with the rights of the Committee on Rules to make privileged reports, they are entitled to report a rule at any time, with the two exceptions, and these exceptions are specifically set forth in section 725, page 327, of the Manual:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 7 of rule XXIV—

Which is the Calendar Wednesday rule—

shall be set aside by a vote of less than two-thirds of the Members present—

The next exception covers the point I am making in my point of order—

nor shall it report any rule or order which shall operate to prevent the motion to recommit being made as provided in paragraph 4 of rule XVI.

Paragraph 4 of rule XVI states the following:

After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order.

Also rule XVII, section 1, provides—

It shall be in order, pending the motion for or after the previous

20. Henry T. Rainey (Ill.).

question shall have been ordered on its passage, for the Speaker to entertain a motion to commit with or without instructions to a standing or select committee.

It has been the precedent of the House for a great many years that under no circumstances will the minority be prohibited from making a motion to recommit, and I have yet never heard anyone express a different opinion on policy or philosophy of the rules of the House. In this way the minority is allowed to place its position before the Congress, and, if enough Members approve of it, they are entitled to a roll-call vote. I have never heard anyone take a different position on the floor of the House. But it is evident, from what the gentleman from Alabama says, that they intend, by the particular wording of this rule, to take advantage of the situation and to deny the minority the right of making such a motion. For this reason I maintain the rule is subject to the point of order. . . .

THE SPEAKER: The Chair is prepared to rule. The gentleman from New York makes the point of order that the Committee on Rules has reported out a resolution which violates the provisions of clause 45, rule XI, which are as follows:

The Committee on Rules shall not report any rule or order . . . which shall operate to prevent the motion to recommit being made as provided in clause 4, rule XVI.

The pertinent language of clause 4, rule XVI is as follows:

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order and

the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or resolution.

The special rule, House Resolution 217, now before the House, does not mention the motion to recommit. Therefore, any motion to recommit would be made under the general rules of the House. The contention of the gentleman from New York that this special rule deprives the minority of the right to make a motion to recommit is, therefore, obviously not well taken. The right to offer a motion to recommit is provided for in the general rules of the House, and since no mention is made in the special rule now before the House it naturally follows that the motion would be in order.

A question may present itself later when a motion to recommit with instructions is made on the bill H.R. 6663 that the special rule which is now before the House may prevent a motion to recommit with instructions which would be in conflict with the provisions of the special rule. It has been held on numerous occasions that a motion to recommit with instructions may not propose as instructions anything that might not be proposed directly as an amendment. Of course, inasmuch as the special rule prohibits amendments to title II of the bill H.R. 6663 it would not be in order after the adoption of the special rule to move to recommit the bill with instructions to incorporate an amendment in title II of the bill. The Chair therefore, holds that the motion to recommit, as provided in clause 4, rule XVI, has been reserved to the minority and that insofar as such rule is concerned the special rule before the House does not de-

prive the minority of the right to make a simple motion to recommit. The Chair thinks, however, that a motion to recommit with instructions to incorporate a provision which would be in violation of the special rule, House Resolution 217, would not be in order. For the reasons stated, the Chair overrules the point of order.

Explaining the Motion

§ 25.10 In response to a parliamentary inquiry, the Chair indicated that following the reading and amendment of the final section of a bill, he would still recognize a Member to move to strike out the last word in order to explain a motion to recommit to be subsequently offered in the House but not then debatable.

On July 31, 1969,⁽¹⁾ the Committee of the Whole was considering H.R. 13111, Labor and HEW appropriations for fiscal 1970. The following occurred:

MR. [CHARLES S.] JOELSON [of New Jersey]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽²⁾ The gentleman will state it.

MR. JOELSON: Section 409 is the last section of the bill. I understand there will be an explanation of a proposed

motion to recommit. Will there be time to explain the motion and time for me to comment on it?

THE CHAIRMAN: There will be time. Section 409 has not yet been read. Section 409 still must be read. The Chair will certainly recognize any Member after the section has been read, providing it is not for the purpose of offering an amendment to section 408 or section 409. In fact, the Chair will recognize the chairman for a perfecting amendment after that.

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, I have no intention of attempting to foreclose a motion, if there is one —and I do not know that there will be—to recommit. I have no intention of foreclosing explanations, if there are any, by any opponent of the motion to recommit.

THE CHAIRMAN: The Chair is pleased to have that statement, because the Chair had promised the gentleman who will offer the recommittal motion to recognize him for 5 minutes when he moves to strike out the last word, after the Committee concludes action on sections 408 and 409, for an explanation of his motion to recommit.

Recommittal of Resolution From Rules Committee

§ 25.11 A motion to recommit a privileged resolution reported from the Committee on Rules is not in order.

On June 8, 1970,⁽³⁾ the House was considering House Resolution

1. 115 CONG. REC. 21676, 21677, 91st Cong. 1st Sess.

2. Chet Holifield (Calif.).

3. 116 CONG. REC. 18656–58, 18668–71, 91st Cong. 2d Sess.

976, establishing a select committee to investigate U.S. military involvement in Southeast Asia. After the previous question was moved, Mr. Jonathan Bingham, of New York, rose with a parliamentary inquiry:

MR. BINGHAM: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The gentleman will state his parliamentary inquiry.

MR. BINGHAM: Will the Chair entertain a motion to recommit with an amendment to the resolution?

THE SPEAKER PRO TEMPORE: The Chair will state to the gentleman from New York that a motion to recommit is not in order on a resolution from the Committee on Rules.⁽⁵⁾

Divisibility of Motion

§ 25.12 A motion to recommit with instructions is not divisible.

On June 27, 1947,⁽⁶⁾ the House was considering the conference re-

4. Carl Albert (Okla.).

5. See also 101 CONG. REC. 1076-79, 84th Cong. 1st Sess., Feb. 2, 1955; 97 CONG. REC. 11394, 11397, 11398, 82d Cong. 1st Sess., Sept. 14, 1951; 89 CONG. REC. 233, 78th Cong. 1st Sess., Jan. 19, 1943; 88 CONG. REC. 6544, 77th Cong. 2d Sess., July 23, 1942; and 8 Cannon's Precedents §§ 2270, 2753. See *House Rules and Manual* § 729(b) (1981), for discussion of recommitment of special orders if the previous question is defeated.

6. 93 CONG. REC. 7845, 80th Cong. 1st Sess.

port on H.R. 3737, a bill to provide revenue for the District of Columbia. Mr. Joseph P. O'Hara, of Minnesota, offered a motion to recommit the conference report to the committee of conference with certain instructions to the House conferees. Mr. Everett M. Dirksen, of Illinois, then rose with a parliamentary inquiry:

MR. DIRKSEN: Would not the motion be divisible?

THE SPEAKER:⁽⁷⁾ A motion to recommit is not divisible.

§ 26. Purpose and Effect

Expression of Minority Opinion

§ 26.1 One purpose of the motion to recommit is to give those Members opposed to the bill an opportunity to call for a final expression of opinion by the House on the bill.

On May 15, 1939,⁽⁸⁾ the following occurred on the floor of the House:

THE SPEAKER:⁽⁹⁾ The unfinished business is the reading of the engrossed copy of the bill (H.R. 6260) making appropriations for the fiscal year ending June 30, 1940, for civil

7. Joseph W. Martin, Jr. (Mass.).

8. 84 CONG. REC. 5535, 5536, 76th Cong. 1st Sess.

9. William B. Bankhead (Ala.).

functions administered by the War Department, and for other purposes.

The bill was read the third time.

MR. [D. LANE] POWERS [of New Jersey]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POWERS: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies, and the Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Powers moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with amendments reducing the total amount of the bill \$50,000,000.

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Speaker, I make the point of order that the motion to recommit undertakes to do indirectly what cannot be done directly.

The amount carried in this bill, with these amendments, totals \$305,000,000. Part of it is for the Panama Canal, part for cemeterial expense, part for the Signal Corps and Alaskan Communications Commission, part for rivers and harbors, part for flood control, and part for the United States Soldiers' Home. Of the amount of \$305,000,000, \$277,000,000 is for rivers and harbors and flood control, leaving only \$28,000,000 for all these other governmental activities. A reduction of \$50,000,000 would take away a large part of the money carried in the two amendments voted in the House last Wednesday. A motion to recommit to do this cannot be done. This motion to recommit attempts to do indirectly what cannot be done directly. It pro-

poses a second vote on the same propositions that were voted on last Wednesday; therefore is subject to a point of order.

THE SPEAKER: The Chair may state, in connection with the point of order made by the gentleman from Mississippi, that the Chair understands the purpose of the motion to recommit, one motion to recommit always being in order after the third reading, is to give to those Members opposed to the bill an opportunity to have an expression of opinion by the House upon their proposition. It is true that under the precedents it is not in order by way of a motion to recommit to propose an amendment to an amendment previously adopted by the House, but the motion now pending does not specifically propose to instruct the Committee on Appropriations to do that. The Chair is inclined to the opinion that the motion to recommit in the form here presented is not subject to a point of order.

The Chair overrules the point of order.

Committee Action

§ 26.2 The House may, through use of the motion to recommit, instruct one of its committees to take certain actions which are not contrary to the rules of the House.

On Aug. 22, 1966,⁽¹⁰⁾ the House was considering H.R. 16340, prohibiting picketing within 500 feet

10. 112 CONG. REC. 20119, 89th Cong. 2d Sess.

of any church in the District of Columbia. The following then occurred:

MR. [DON] EDWARDS of California: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ Is the gentleman opposed to the bill?

MR. EDWARDS of California: I am, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Edwards of California moves to recommit H.R. 16340 to the District of Columbia Committee with instructions to hold public hearings and to request a report of the Department of Justice and the testimony of the Attorney General.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I make a point of order against the motion to recommit. We cannot tell a committee who to call as witnesses and what kind of hearings to hold.

THE SPEAKER PRO TEMPORE: The House has authority to instruct the committee. The motion is in order.

Investigation of Election Contest

§ 26.3 A resolution pertaining to an election contest may be recommitted to an elections committee with an instruc-

11. Carl Albert (Okla.).

tion calling for a further investigation of the issues involved.

On Aug. 19, 1937,⁽¹²⁾ Mr. John H. Kerr, of North Carolina, called up House Resolution 309, relating to the election contest of Roy v Jenks.

The Clerk will report the resolution. The Clerk read as follows:

Resolved, That Arthur B. Jenks is not entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire.

Resolved, That Alphonse Roy is entitled to a seat in the House of Representatives in the Seventy-fifth Congress from the First Congressional District of the State of New Hampshire. . . .

MR. [J. MARK] WILCOX [of Florida]: Mr. Speaker—

THE SPEAKER:⁽¹³⁾ For what purpose does the gentleman from Florida rise?

MR. WILCOX: Mr. Speaker, I offer a motion to recommit.

The Clerk read as follows:

Mr. Wilcox moves that this resolution be recommitted to the committee; that the committee be and hereby is authorized, empowered, and directed to take or cause to be taken the testimony of the 458 Newton residents shown by the town election records to have voted there in person on November 3, 1936, and such further testimony as the committee may consider relevant to better enable it to determine the issue

12. 81 CONG. REC. 9356, 9374, 75th Cong. 1st Sess.

13. William B. Bankhead (Ala.).

raised by this case; and that the committee be authorized to expend such sums in its investigation as it may deem necessary, and report its findings and recommendations to this House at the next session of Congress.

MR. KERR: Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

THE SPEAKER: The question is on the motion to recommit. . . .

The question was taken; and there were—yeas 231, nays 129, answered “present” 3, not voting 66. . . .

So the motion was agreed to.

Authority of Speaker as to Committee Instructions

§ 26.4 Where the House adopts a motion to recommit it is not within the province of the Speaker to advise or direct a committee in the performance of its duty under the terms of the motion.

On Aug. 19, 1937,⁽¹⁴⁾ the House was considering House Resolution 309, relating to the election contest of Roy v Jenks. Mr. Jack Nichols, of Oklahoma, rose with a parliamentary inquiry:

MR. NICHOLS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁵⁾ The gentleman will state it.

14. 81 CONG. REC. 9374, 9375, 75th Cong. 1st Sess.

15. William B. Bankhead (Ala.).

MR. NICHOLS: Mr. Speaker, we of the committee are in a quandary in reference to the motion to recommit just adopted by the House and would ask that the Speaker examine the motion, if that is possible, and advise us what we are directed to do under the motion to recommit.

THE SPEAKER: It is not within the province of the Chair to undertake to direct the committee. The Chair feels the House itself, under the terms of the motion, has directed the committee as to the procedure.

Effect of Special Order

§ 26.5 A motion that the Committee of the Whole rise and report a bill back to the House with the recommendation that it be recommitted to the committee from which reported is not in order where the Committee of the Whole is considering the bill under a resolution setting out conditions which do not permit such motion.

On Aug. 10, 1950,⁽¹⁶⁾ the Committee of the Whole was considering H.R. 9176, the Defense Production Act of 1950. Mr. John E. Rankin, of Mississippi, rose with a preferential motion:

The Clerk read as follows:

Mr. Rankin moves that the Committee do now rise and report the

16. 96 CONG. REC. 12219, 81st Cong. 2d Sess.

bill back to the House with the recommendation that it be recommitted to the Committee on Banking and Currency for further hearings and study.

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, a point of order.

THE CHAIRMAN:⁽¹⁷⁾ The gentleman will state it.

MR. PATMAN: Mr. Chairman, I make the point of order that this being a straight motion to recommit, without instructions, it is not permissible under the rule under which we are considering the bill in Committee.

THE CHAIRMAN: The Chair is ready to rule.

That motion is not in order in Committee of the Whole, and the Chair sustains the point of order.

MR. RANKIN: Mr. Chairman, it is in order to make a motion that the Committee do now rise and report the bill back to the House with the recommendation that it be recommitted to the Committee on Banking and Currency for further study and hearing.

THE CHAIRMAN: In the consideration of this bill the Committee of the Whole is operating under a special rule which lays down the conditions under which the bill is to be considered. The motion of the gentleman from Mississippi is not in order at this time.

Parliamentarian's Note: The special rule [H. Res. 740 agreed to Aug. 1, 1950] provided:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the

Whole House on the State of the Union for the consideration of the bill (H.R. 9176) to establish a system of priorities and allocations for materials and facilities, authorize the requisitioning thereof, provide financial assistance for expansion of productive capacity and supply, strengthen controls over credit, regulate speculation on commodity exchanges, and by these measures facilitate the production of goods and services necessary for the national security, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 day, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute committee amendment recommended by the Committee on Banking and Currency now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

17. Howard W. Smith (Va.).

Effect of Recommittal on Amendments

§ 26.6 Where a bill reported to the House with committee amendments is recommitted, it is again before the committee in its original form—that is, as introduced or referred to that committee in the first instance. The committee must again vote on any amendments before re-reporting the measure.

Parliamentarian's Note: On Sept. 20, 1972,⁽¹⁸⁾ the House by unanimous consent recommitted the bill S. 1316, to amend section 301 of the Federal Meat Inspection Act, to the Committee on Agriculture. Upon recommitment, the Parliamentarian advised the Committee on Agriculture that the Senate bill in the form passed by the Senate was pending before the committee, and that the committee would be required to act again upon the amendments in order to report the bill with committee amendments.

§ 26.7 Where the Senate recommends a bill to the committee which reported it such action nullifies all amendments agreed to on the floor, and, if

18. 118 CONG. REC. 31370, 31371, 92d Cong. 2d Sess.

this happens to a House bill, it goes back to the Senate committee in the same form in which it came from the House.

On May 11, 1949,⁽¹⁹⁾ the Senate was considering H.R. 3083, a Treasury and Post Office appropriations bill for fiscal 1950. The following discussion took place on the floor of the Senate:

THE VICE PRESIDENT:⁽²⁰⁾ The Chair will advise Senators that when a bill is recommitted to the committee from which it emanates, such action nullifies all amendments that have been agreed to on the floor of the Senate, and the bill goes back to the committee—if it happens to be a House bill—in the same shape in which it came to the Senate from the House, regardless of the intention of any Senator.

Status of Recommitted Conference Report

§ 26.8 When a conference report is recommitted to the conference committee the entire matter is again before that committee for consideration.

On Sept. 11, 1940,⁽¹⁾ the House was considering the conference re-

19. 95 CONG. REC. 6039, 81st Cong. 1st Sess.

20. Alben W. Barkley (Ky.).

1. 86 CONG. REC. 11938, 76th Cong. 3d Sess.

port on S. 3550, making unlawful the transportation of convict-made goods in interstate commerce. Mr. Earl C. Michener, of Michigan, offered a motion to recommit the conference report and then posed the following parliamentary inquiry:

MR. MICHENER: If this motion should carry, the conferees would then be permitted to go back and cut out all the exemptions which they have included here if they wanted.

THE SPEAKER PRO TEMPORE:⁽²⁾ The whole matter would be before the conferees.

§ 26.9 Notwithstanding recommitment of a conference report to a committee of conference with instructions, the subsequent conference report is filed as privileged, given a new number, and otherwise treated as a new and separate report.

On May 8, 1963,⁽³⁾ the House agreed to recommit the conference report (H. Rept. No. 275) on the supplemental appropriations bill (H.R. 5517) for fiscal 1963 to the committee of conference.

On May 14, 1963,⁽⁴⁾ the new conference report on H.R. 5517, renumbered House Report No.

2. Sam Rayburn (Tex.).

3. 109 CONG. REC. 8043, 88th Cong. 1st Sess.

4. *Id.* at pp. 8502, 8503.

290, was submitted for consideration to the House.

§ 26.10 Where a conference report is recommitted to the committee of conference, and a second report is then filed by the conferees, this second report is numbered and otherwise treated by the House as a new and separate report.

Parliamentarian's Note: On June 30, 1962,⁽⁵⁾ the conferees on the part of the House filed House Report No. 1955, the second conference report on S. 3161, to continue authority for the control of exports. The original conference report, House Report No. 1949, had been recommitted to the committee of conference. When the second report was filed, the question arose as to whether it should be given a new number, or numbered as part II of House Report No. 1949. It was given a new number, and the first report was not acted upon.

Recommitment of Improperly Reported Bills

§ 26.11 Where the chairman of a committee admits that a bill was reported when a

5. 108 CONG. REC. 12355, 87th Cong. 2d Sess.

quorum was not present in the committee, and a point of order is sustained against the bill on that ground, the bill is recommitted by order of the Speaker.

On Oct. 11, 1968,⁽⁶⁾ the House was considering S. 2511, to maintain and improve the income of producers of crude pine gum. Mr. Paul Findley, of Illinois, made a point of order against the consideration of the bill on the grounds that it had been reported from the Committee on Agriculture sitting without a quorum being present.

THE SPEAKER:⁽⁷⁾ The Chair would like to inquire of the chairman of the Committee on Agriculture if a quorum was present when the bill was reported.

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Speaker, the chairman of the Committee on Agriculture was not present the day this bill was reported. The record indicates that there were only 14 members of the committee present at the time it was reported.

THE SPEAKER: Does the gentleman from Texas state that the record of his committee shows there were 14 members present when the bill was acted upon and reported out?

MR. POAGE: That is correct.

THE SPEAKER: Clause 27 of rule XI clearly covers this situation. Paragraph (e) of clause 27 of rule XI states:

6. 114 CONG. REC. 30739, 90th Cong. 2d Sess.

7. John W. McCormack (Mass.).

No measure or recommendation shall be reported from any committee unless a majority of the committee were actually present.

Upon the statement of the chairman of the committee, a majority of the committee were not actually present. Therefore, the point of order is sustained; and the bill is recommitted to the Committee on Agriculture.⁽⁸⁾

§ 26.12 Where a report of a committee fails to comply with the provisions of the Ramseyer rule and a point of order is sustained on that ground, the bill is recommitted to the committee reporting it.

On May 3, 1937,⁽⁹⁾ the Clerk had just called up S. 709, to incorporate the National Education Association of the United States. Mr. Jesse P. Wolcott, of Michigan, rose with a parliamentary inquiry:

MR. WOLCOTT: Mr. Speaker, if it appears from the report that subsection 2(a) of rule XXIII⁽¹⁰⁾ commonly known as the Ramseyer rule, has not been complied with, is the bill automatically recommitted to the committee from which it was reported?

THE SPEAKER:⁽¹¹⁾ If the point of order should be sustained, under the

8. See also 114 CONG. REC. 30751, 90th Cong. 2d Sess., Oct. 11, 1968.

9. 81 CONG. REC. 4123, 4124, 75th Cong. 1st Sess.

10. Rule XIII clause 3, *House Rules and Manual* § 745 (1981).

11. William B. Bankhead (Ala.).

provision governing such cases the bill would automatically be recommitted to the committee from which it was reported.

MR. WOLCOTT: Mr. Speaker, I make the point of order against the consideration of the bill (S. 709) that the so-called Ramseyer rule has not been complied with. . . .

THE SPEAKER: The point of order is sustained, and the bill is recommitted to the Committee on Education.

Resolution Certifying Contumacious Conduct

§ 26.13 The House has adopted a motion recommitting a resolution certifying the contempt of a committee witness to the committee which reported the contumacious conduct.

On July 13, 1971,⁽¹²⁾ the House was considering House Resolution 534, certifying the contumacious conduct of Frank Stanton, president of CBS, as a witness before the Committee on Interstate and Foreign Commerce. After the previous question was ordered on motion by Mr. Harley O. Staggers, of West Virginia, Mr. Hastings Keith, of Massachusetts, rose to his feet:

MR. KEITH: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹³⁾ Is the gentleman opposed to the resolution?

12. 117 CONG. REC. 24723, 24752, 24753, 92d Cong. 1st Sess.

13. Carl Albert (Okla.).

MR. KEITH: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Keith moves to recommit House Resolution 534 to the Committee on Interstate and Foreign Commerce.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

THE SPEAKER: The question is on the motion to recommit. . . .

The question was taken; and there were—yeas 226, nays 181, answered “present” 2, not voting 24. . . .

So the motion to recommit was agreed to.

Bill on Consent Calendar

§ 26.14 A bill on the Consent Calendar has been recommitted to the committee which reported it.

On Apr. 4, 1949,⁽¹⁴⁾ the House was considering a bill on the Consent Calendar (H.R. 1823), to establish a Women’s Reserve as a branch of the Coast Guard Reserve. Immediately after the House adopted an amendment, Mr. Herbert C. Bonner, of North Carolina, then rose to his feet:

MR. BONNER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁵⁾ The Clerk will report the motion to recommit.

14. 95 CONG. REC. 3806, 3807, 81st Cong. 1st Sess.

15. Sam Rayburn (Tex.).

The Clerk read as follows:

Mr. Bonner moves to recommit the bill to the Committee on Merchant Marine and Fisheries. . . .

The question was taken; and on a division (demanded by Mr. Marcantonio) there were—ayes 107, noes 89. . . .

The motion to recommit was agreed to.

Bill on Private Calendar

§ 26.15 A bill on the Private Calendar was, by unanimous consent, recommitted to the Committee on the Judiciary.

On Dec. 17, 1963,⁽¹⁶⁾ the Clerk of the House called up the bill S. 1272, for the relief of Viktor Jaanimets. The following occurred:

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ Is there objection to the present consideration of the bill?

MR. [MICHAEL A.] FEIGHAN [of Ohio]: Mr. Speaker, I ask unanimous consent that the bill S. 1272 be recommitted to the Committee on the Judiciary.

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Ohio?

There was no objection.

Recommittal of Pending Resolution

§ 26.16 The recommittal of a funding resolution and a

16. 109 CONG. REC. 24796, 88th Cong. 1st Sess.

17. Carl Albert (Okla.).

privileged report thereon does not prevent the resolution from being called up by unanimous consent.

On Sept. 30, 1966,⁽¹⁸⁾ the House recommitted House Resolution 1028, and its accompanying report No. 2158, providing funds for the Committee on House Administration, to that committee. Mr. Omar T. Burleson, of Texas, then rose to a parliamentary inquiry.

MR. BURLESON: Mr. Speaker, by the report and resolution being recommitted, would that preclude a request on the part of the chairman of the committee to call the [resolution] up under consent?

THE SPEAKER:⁽¹⁹⁾ The Chair will recognize the gentleman for that purpose.

MR. BURLESON: Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 1028. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [JONATHAN B.] BINGHAM [of New York]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

Instructions to Modify Amendment

§ 26.17 Absent a special rule, a motion to recommit may not include instructions to mod-

18. 112 CONG. REC. 24548, 89th Cong. 2d Sess.

19. John W. McCormack (Mass.).

ify any part of an amendment previously agreed to by the House.

On May 4, 1960,⁽²⁰⁾ Mr. Charles A. Halleck, of Indiana, rose with the following parliamentary inquiry:

MR. HALLECK: Mr. Speaker, earlier in the day I addressed a parliamentary inquiry to the Chair to which response was made. The parliamentary inquiry went to the question as to whether or not, as the Senate bill has been reported by the committee, a motion to recommit with instructions would be in order. Mr. Speaker, to further clarify the matter, the committee struck out all after the enacting clause of the Senate bill and substituted a complete amendment, which I take it would be offered if and when the bill were to be read for consideration. Under those circumstances, Mr. Speaker, and in view of the fact that what some of us refer to as the administration bill, introduced by the gentleman from New York [Mr. Kilburn] is now on the calendar, the parliamentary inquiry is whether or not under the rules of the House a motion to recommit with instructions would be in order in order that a record vote could be had on such amendment as a substitute.

THE SPEAKER:⁽¹⁾ The gentleman from Indiana has been kind enough to discuss this with the Chair.

On further examining the rules and precedents of the House, under the situation as it exists, when we go into the

Committee of the Whole and the amendment is adopted, and then agreed to in the House, the rules are that a motion to recommit with instructions will not be in order.⁽²⁾

Parliamentarian's Note: If an amendment in the nature of a substitute is agreed to in Committee of the Whole and ratified by the House, that text cannot thereafter be changed by a motion to recommit with instructions.

§ 26.18 Where the House has adopted an amendment in the nature of a substitute, such amendment cannot, absent a special rule, be further amended by way of a motion to recommit; and only a simple motion to recommit would be in order.

On June 17, 1952,⁽³⁾ the House was considering S. 658, to amend the Communications Act of 1934. Mr. Charles A. Halleck, of Indiana, rose with the following parliamentary inquiry:

MR. HALLECK: In view of the fact that the matter before us is a Committee amendment, a complete amendment to the whole bill, would any motion to recommit, except a straight motion to recommit, be in order?

20. 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

2. See also 99 CONG. REC. 6156, 83d Cong. 1st Sess., June 5, 1953.

3. 98 CONG. REC. 7421, 82d Cong. 2d Sess.

THE SPEAKER:⁽⁴⁾ That is the only motion that would be in order under the rule.⁽⁵⁾

Amendment Reported in Disagreement by Conferees

§ 26.19 A motion to recommit an amendment reported in disagreement by the conferees is not in order.

On Oct. 17, 1967,⁽⁶⁾ the House was considering the conference report and amendments in disagreement on H.R. 11476, appropriations for the Department of Transportation for fiscal 1968. After the conference report had been agreed to, the House proceeded to consider the amendments reported in disagreement, when Mr. Sidney R. Yates, of Illinois raised the following parliamentary inquiry:

MR. YATES: Mr. Speaker, is it in order to move to recommit this particular amendment to conference?

THE SPEAKER:⁽⁷⁾ The Chair will state to the gentleman from Illinois that at this point it would not be in order to do so.

4. Sam Rayburn (Tex.).

5. See also 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess., May 4, 1960.

6. 113 CONG. REC. 29044, 29048, 29049, 90th Cong. 1st Sess.

7. John W. McCormack (Mass.).

§ 27. Priorities in Recognition

Speaker's Power of Recognition

§ 27.1 On one occasion the Speaker took the floor in the Committee of the Whole to state that it was his prerogative to recognize any member of the minority for a motion to recommit when no member of the committee offers a motion.

On Feb. 3, 1944,⁽⁸⁾ the Committee of the Whole was considering S. 1285, relating to voting by members of the armed forces. Mr. Joseph W. Martin, Jr., a Republican from Massachusetts, had indicated that he would be glad to have either Mr. Eugene Worley, a Democrat of Texas, or Mr. John Z. Anderson, a Republican of California, recognized to offer a motion to recommit. Mr. John J. Cochran, of Missouri, then yielded the floor to Speaker Sam Rayburn, of Texas:

MR. RAYBURN: I trust that this colloquy will not take away from the Speaker what has always been his prerogative, to recognize any member of the minority to offer a motion to recommit when no member of the committee offers a motion.

8. 90 CONG. REC. 1221, 1222, 78th Cong. 2d Sess.

MR. COCHRAN: In my opinion no Member on the minority side who is a member of the committee can stand up, in view of the fact that they all signed the report, and say he is opposed to the bill. Therefore some person outside of the committee will have to do it.

MR. MARTIN of Massachusetts: Mr. Chairman, will the gentleman yield?

MR. COCHRAN: I yield.

MR. MARTIN of Massachusetts: There will be no minority member of the committee, in my opinion, who can stand up and say he is opposed to the bill, but I would like to address a word or two to my beloved friend, the Speaker. I realize it rests with the Speaker to recognize the Member to make the motion to recommit. The clear intent of the rule, however, in my opinion, is to give that weapon of recommitment to the minority and not to any minority of the minority.

MR. RAYBURN: I just wanted to make it entirely clear that I always recognize somebody in the minority if they qualify, but I could not allow anybody to commit me to recognize any particular member of the minority. The gentleman from Massachusetts would not ask me to do that, nor would he want that done to him were our positions reversed.

What Constitutes Recognition

§ 27.2 The mere fact that the Speaker asks a Member "for what purpose does the gentleman rise" does not extend recognition to such Member to offer a motion to recommit.

On Apr. 13, 1946,⁽⁹⁾ the House was considering H.R. 6064, authorizing an extension of the Selective Training and Service Act. The following occurred:

THE SPEAKER:⁽¹⁰⁾ The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The Speaker: The question is on the passage of the bill.

MR. [DEWEY] SHORT (of Missouri): Mr. Speaker.

MR. [EDWARD E.] COX (of Georgia): Mr. Speaker.

THE SPEAKER: For what purpose does the gentleman from Missouri rise?

MR. SHORT: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: For what purpose does the gentleman from Georgia rise?

MR. COX: Mr. Speaker, it was my purpose to demand a reading of the engrossed copy of the bill.

MR. [MALCOLM C.] TARVER [of Georgia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TARVER: Mr. Speaker, may a demand be made for the reading of the copy of the engrossed bill after the proceedings which have just taken place and after the Clerk has read the bill which was considered engrossed?

THE SPEAKER: The bill was ordered to be engrossed and read a third time. The gentleman from Georgia was on his feet at the time.

9. 92 CONG. REC. 3669, 79th Cong. 2d Sess.

10. Sam Rayburn (Tex.).

Does the gentleman from Georgia insist upon his demand that the engrossed copy of the bill be read?

MR. COX: Mr. Speaker, my making demand that the engrossed copy of the bill be read does not indicate my opposition to the bill.

MR. SHORT: Mr. Speaker, I am opposed to the bill.

MR. COX: I was compelled to make the demand and I did make it.

THE SPEAKER: The gentleman from Georgia [Mr. Cox] demands the reading of the engrossed copy of the bill. The Chair will state that with the number of amendments agreed to, it would be impossible to have the engrossed copy of the bill this afternoon.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, if I understood the situation correctly, the gentleman from Missouri [Mr. Short] was recognized to offer a motion to recommit.

THE SPEAKER: The gentleman from Missouri [Mr. Short] was not recognized. The Chair asked the gentleman for what purpose he rose, and then recognized the gentleman from Georgia.⁽¹¹⁾

Recognition as Dependent on Opposition to Measure

§ 27.3 In recognizing a Member to move to recommit, the Speaker determines if the Member qualifies as being opposed to the bill.

11. See also 101 CONG. REC. 9379, 84th Cong. 1st Sess., June 28, 1955.

On April 27, 1966,⁽¹²⁾ the House was considering H.R. 10065, the Equal Employment Opportunity Act of 1965. After the engrossed copy of the bill was read Mr. Joe D. Waggonner, Jr., of Louisiana, was recognized, and the following occurred:

MR. WAGGONNER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹³⁾ Is the gentleman opposed to the bill?

MR. WAGGONNER: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.⁽¹⁴⁾

Member's Attitude Toward Measure is Only Relevant Inquiry

§ 27.4 The Speaker recognized a Member for a motion to recommit who stated that he was opposed to the form of the bill, although another Member said he was unqualifiedly opposed to the bill.

On Mar. 12, 1964,⁽¹⁵⁾ the House was considering H.R. 8986, relat-

12. 112 CONG. REC. 9153, 89th Cong. 2d Sess.

13. John W. McCormack (Mass.).

14. See also 95 CONG. REC. 3110-15, 81st Cong. 1st Sess., Mar. 24, 1949; and 86 CONG. REC. 11938, 76th Cong. 3d Sess., Sept. 11, 1940.

15. 110 CONG. REC. 5147, 88th Cong. 2d Sess.

ing to salary increases for federal officers and employees. The following then occurred:

MR. [ROBERT J.] CORBETT [of Pennsylvania]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁶⁾ Is the gentleman opposed to the bill?

MR. CORBETT: I am opposed to the bill in its present form.

THE SPEAKER: The gentleman qualifies.

MR. [H.R.] GROSS (of Iowa): Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from Iowa rise?

MR. GROSS. Under the rules of the House, Cannon's Procedure in the House of Representatives, a member of the committee who is unqualifiedly opposed to the bill takes precedence over a member who qualifies his opposition.

THE SPEAKER: The Chair understands that the gentleman from Pennsylvania is opposed to the bill in its present form.

MR. GROSS: I am opposed to it unqualifiedly.

THE SPEAKER: Since the gentleman from Pennsylvania is opposed to the bill in its present form, the Chair rules that the gentleman from Pennsylvania qualifies.

The Clerk will report the motion to recommit.⁽¹⁷⁾

Acceptance of Member's Declaration of Opposition

Parliamentarian's Note: The following precedents demonstrate

16. John W. McCormack (Mass.).

17. See also 104 CONG. REC. 12974, 85th Cong. 2d Sess., July 2, 1958.

the current and the older practice with respect to qualifying to offer the motion to recommit. Under the current practice (§§ 27.5–27.9, *infra*) a Member opposed to the bill “in its present form” qualifies. The earlier rulings (§§ 27.10, and 27.11, *infra*) illustrate a distinction between qualified and total opposition.

§ 27.5 Members of the minority have preference of recognition for motions to recommit and, if they qualify as being opposed to the bill, the Chair never questions their veracity.

On Apr. 8, 1957,⁽¹⁸⁾ the House was considering H.R. 6500, making appropriations for the government of the District of Columbia and for other purposes. Mr. Paul C. Jones, of Missouri (of the majority party), and Mr. Earl Wilson, of Indiana (of the minority party and a member of the Committee on Appropriations), rose at the same time to offer motions to recommit.

MR. JONES of Missouri: Mr. Speaker, I offer a motion to recommit.

MR. WILSON of Indiana: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁹⁾ Is the gentleman from Indiana opposed to the bill?

18. 103 CONG. REC. 5294, 85th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

MR. WILSON of Indiana: I am.

THE SPEAKER: The gentleman qualifies. . . .

MR. JONES of Missouri: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. JONES of Missouri: When a Member makes a motion to recommit and the Chair asks him if he is against the bill, would the proceedings during the afternoon when he is for the bill—

THE SPEAKER: The Chair never questions a Member about his motives or whether or not he is telling the truth.

MR. JONES of Missouri: I was just asking for information.

THE SPEAKER: The gentleman from Indiana offered a motion to recommit. The motion always goes to the minority if they desire it, and the gentleman qualifies by saying he was opposed to the bill.

§ 27.6 When a Member has stated that he is opposed to a bill, the Speaker will not entertain a point of order against a motion by that Member to recommit with instructions on the grounds that the motion shows the Member not to be opposed and not qualified.

On July 2, 1958,⁽²⁰⁾ Mr. John Taber, of New York, rose and was recognized by the Speaker.

MR. TABER: Mr. Speaker, I offer a motion to recommit.

²⁰ 104 CONG. REC. 12974, 85th Cong. 2d Sess.

THE SPEAKER:⁽¹⁾ Is the gentleman opposed to the bill?

MR. TABER: I am.

Mr. Homer H. Budge, of Idaho, inquired whether he, who was unqualifiedly opposed to the bill, was entitled to prior recognition to offer a motion to recommit.

THE SPEAKER: The gentleman from New York has qualified by his statement that he was opposed to the bill. What other thought the gentleman from New York may have had in his mind the Chair is unable to determine.

The Clerk will report the motion.

The Clerk read as follows:

Mr. Taber moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith together with the following amendment: Page 2, line 10, strike out "\$700,000,000" and insert in lieu thereof "\$775,000,000."

At this point Mr. Clare E. Hoffman, of Michigan, rose to a point of order.

MR. HOFFMAN: Mr. Speaker, I make a point of order against the motion to recommit on the ground that the motion itself shows that the gentleman is not qualified.

THE SPEAKER: The Chair cannot entertain such a point of order after the statement made by the gentleman from New York.

Effect of Qualified or Limited Opposition

§ 27.7 Where a Member seeking recognition to offer a motion

1. Sam Rayburn (Tex.).

to recommit a bill states he is opposed to “some features” of the bill, the Chair may conclude that he is opposed to the bill and therefore recognize him to make the motion.

On Apr. 15, 1948,⁽²⁾ the House was considering H.R. 6226, supplemental national defense appropriations for 1948. After the engrossed copy of the bill was read Mr. John H. Kerr, of North Carolina, was recognized.

MR. KERR: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽³⁾ Is the gentleman opposed to the bill?

MR. KERR: I am opposed to some features of it.

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order. The gentleman says that he is opposed to some features of the bill. My understanding of the rules is that the gentleman must be opposed to the bill.

THE SPEAKER: The gentleman has stated that he is opposed to some features of the bill, and the Chair must interpret that to mean that he is opposed to the bill.

The gentleman from North Carolina qualifies. The Clerk will report the motion to recommit.

§ 27.8 The Speaker indicated in response to a parliamen-

2. 94 CONG. REC. 4547, 80th Cong. 2d Sess.

3. Joseph W. Martin, Jr. (Mass.).

tary inquiry that a minority member of a committee reporting a bill who is opposed to the bill “in its present form” qualifies to offer a motion to recommit since he is opposed to the bill then before the House.

On Apr. 16, 1970,⁽⁴⁾ the House was considering H.R. 16311, the Family Assistance Act of 1970. Mr. Harold R. Collier, of Illinois, was then recognized to offer a motion to recommit.

MR. COLLIER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁵⁾ Is the gentleman opposed to the bill?

MR. COLLIER: In its present form I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

MR. [PHILLIP M.] LANDRUM [OF GEORGIA]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. LANDRUM: Mr. Speaker, is it not true under the rules of the House that the motion to recommit should go to one who is unqualifiedly opposed to the bill?

THE SPEAKER: The Chair will state that a Member who states that he is opposed to the bill in its present form qualifies.

MR. LANDRUM: Mr. Speaker, is that not a modification of the rule that a

4. 116 CONG. REC. 12063, 12092, 91st Cong. 2d Sess.

5. John W. McCormack (Mass.).

Member in order to qualify must be opposed to the bill?

THE SPEAKER: The gentleman from Illinois (Mr. Collier) qualifies because he has stated he is in opposition to the bill in its present form, which is the bill now before the House.

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. GROSS: Mr. Speaker, the gentleman from Illinois has repeatedly stated, as recently as a few minutes ago, that he firmly supports the bill.

MR. COLLIER: Mr. Speaker, I said I firmly support the principle and the concept of the bill. That is what I said, but I am opposed to the bill in its present form.

THE SPEAKER: The gentleman from Illinois has stated that he is opposed to the bill in its present form. Therefore, the gentleman, with that statement, and upon his responsibility, qualifies.⁽⁶⁾

§ 27.9 In qualifying a Member to offer a motion to recommit, the Chair makes no distinction between a Member who states that he is opposed to the bill in its present form and another who is opposed to the bill in its entirety.

On Oct. 3, 1969,⁽⁷⁾ the House was considering H.R. 14000, au-

thorizing military procurement for fiscal 1970. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Alvin E. O'Konski, of Wisconsin, and the following then occurred:

MR. O'KONSKI: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. O'KONSKI: In its present form, emphatically yes.

MR. [OTIS G.] PIKE [of New York]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. PIKE: Mr. Speaker, Cannon's Precedents of the House of Representatives volume 8, section 2731, says:

Recognition to move recommitment is governed by the attitude of the Member toward the bill, and a Member opposed to the bill as a whole is entitled to prior recognition over a Member opposed to a portion of the bill.

Mr. Speaker, I submit that there were two gentlemen on their feet on the other side, one of whom has voted against the bill as a whole, both seeking recognition for the privilege of offering the motion to recommit. I would submit that under that rule of the House the gentleman who stated that he was opposed to it only in its present form should yield to the gentleman who has voted against the entire bill.

THE SPEAKER: The Chair will state that the gentleman from Wisconsin (Mr. O'Konski) has stated he is opposed to the bill in its present form before the House is the bill H.R. 14000, as amended, and therefore the gentleman qualifies.

6. See also 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess., Oct. 3, 1969; and 110 CONG. REC. 5147, 88th Cong. 2d Sess., Mar. 12, 1964.

7. 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess.

The point of order is overruled.⁽⁸⁾

Parliamentarian's Note: Mr. O'Konski and Mr. Chalmers P. Wylie (Ohio) who were both minority members of the Committee on Armed Services, each sought recognition to offer a motion to recommit. Speaker McCormack in overruling 8 Cannon's Precedents §2731 apparently relied on the fact that Mr. O'Konski was the senior minority member of the Committee on Armed Services, the committee that had reported the measure at issue.

§ 27.10 Under the earlier practice, a Member opposed to a conference report "in its present form" was qualified to move to recommit such a report, but if another Member opposed to the report without reservation desired recognition to offer the motion, he was accorded priority.

On Oct. 18, 1949,⁽⁹⁾ the House was considering the conference report on H.R. 5856, the Fair Labor Standards Amendments of 1949. When Mr. A. S. Mike Monroney,

8. See also 116 CONG. REC. 12063, 12092, 91st Cong. 2d Sess., Apr. 16, 1970.

9. 95 CONG. REC. 14943, 81st Cong. 1st Sess.

of Oklahoma, was recognized, the following occurred:

MR. MONRONEY: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹⁰⁾ Is the gentleman opposed to the conference report?

MR. MONRONEY: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Monroney moves to recommit the conference report to the conference committee with instructions to the managers on the part of the House to further insist upon the House provisions for the exemption of employees of newspapers of circulation of 5,000 or under.

MR. [WALTER E.] BREHM [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BREHM: If I understood the gentleman from Oklahoma correctly, he said he was opposed to the bill in its present form. If I understand the rules correctly, that is incorrect. He is either opposed to it or he is for it. I wonder if the gentleman will state his position?

THE SPEAKER: If the gentleman is opposed to the bill in its present form he would be opposed to it. However, if some other Member had asked to qualify to submit a motion to recommit, and said he was absolutely opposed to the bill, unequivocally, as a gentleman said the other day, then of course the Speaker would recognize him.⁽¹¹⁾

10. Sam Rayburn (Tex.).

11. The rule referred to by Speaker Rayburn has not been invoked in recent

§ 27.11 Under the earlier practice, a Member opposed to a bill without reservation had priority to offer a motion to recommit the bill over one opposed merely to the bill “in its present form”; and where a Member opposed to a bill in its present form offered the motion, the Speaker asked “is there any member opposed without reservation who desires to make such a motion.”

On May 24, 1949,⁽¹²⁾ the House was considering H.R. 4591, relating to pay, allowances, and physical disability retirement for members of the armed forces. Mr. Francis H. Case, of South Dakota, was recognized and the following occurred:

MR. CASE of South Dakota: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽¹³⁾ Is the gentleman opposed to the bill?

MR. CASE of South Dakota: I am, Mr. Speaker, in its present form.

THE SPEAKER: Does any Member desire to offer a motion to recommit without reservation? [After a pause.] The Chair hears none. The gentleman from South Dakota is the only Member that qualifies under the circumstances.

years. Speaker McCormack's rulings (see §§27.8, 27.9, *supra*) reflect the current practice.

12. 95 CONG. REC. 6772, 6773, 81st Cong. 1st Sess.

13. Sam Rayburn (Tex.).

Vote on Recommitted Measure

§ 27.12 A Member making a motion to recommit must qualify as being opposed to the measure under consideration, and is expected to indicate his opposition by voting against passage of the measure if the motion to recommit is rejected; however, where the proponent of a motion to recommit with instructions is successful in having this motion adopted, and the instructions accompanying the motion are agreed to by the House, he remains under no obligation to vote against the bill on final passage.

On Dec. 2, 1969,⁽¹⁴⁾ the House was considering House Resolution 613, affirming its support for President Richard M. Nixon's conduct of war in Viet Nam. Mr. James G. Fulton, of Pennsylvania, moved to recommit the resolution with instructions to the Committee on Foreign Affairs. After his motion was adopted by the House, Mr. Fulton voted in favor of the resolution as amended by that motion.

14. 115 CONG. REC. 36536, 36537, 91st Cong. 1st Sess.

Recognition of Member Favoring Measure

§ 27.13 A Member may be recognized to offer a motion to recommit even though he is not opposed to the bill if no Member opposed seeks recognition.

On Jan. 24, 1946,⁽¹⁵⁾ the House was considering H.R. 5201, appropriations for independent offices for fiscal 1947, when Mr. John Taber, of New York, was recognized.

MR. TABER: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER PRO TEMPORE:⁽¹⁶⁾ Is the gentleman opposed to the bill?

MR. TABER: I am not, Mr. Speaker.

MR. [JOE] HENDRICKS [of Florida]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HENDRICKS: Did the gentleman from New York say he was against the bill?

MR. TABER: I did not. That relates only to the privilege of offering it. A Member who is opposed to the bill would be entitled to prior recognition.

MR. HENDRICKS: Mr. Speaker, I make the point of order that unless the gentleman is opposed to the bill he cannot offer a motion to recommit.

THE SPEAKER PRO TEMPORE: Is there any Member of the minority party who

is opposed to the bill who desires to offer a motion to recommit? [After a pause.] The Chair hears none.

The Clerk will report the motion to recommit offered by the gentleman from New York.

Proponent of Amendment to Motion to Recommit

§ 27.14 In response to a parliamentary inquiry, the Speaker indicated that if the previous question were voted down on a motion to recommit, the person offering an amendment to the motion would not necessarily have to qualify as being opposed to the bill.

On June 26, 1968,⁽¹⁷⁾ the House was considering H.R. 18037, Labor and HEW appropriations for fiscal 1969. After Mr. Robert H. Michel, of Illinois, was recognized to offer a motion to recommit, Mr. Charles A. Halleck, of Indiana, was recognized to propound a parliamentary inquiry:

MR. HALLECK: Is it not true that under the rules a motion to recommit, under the long-established precedents of the House of Representatives, shall go to the ranking member on the minority side of the committee involved?

THE SPEAKER:⁽¹⁸⁾ The Chair has recognized and complied with that custom

15. 92 CONG. REC. 370, 79th Cong. 2d Sess.

16. John W. McCormack (Mass.).

17. 114 CONG. REC. 18940, 18941, 90th Cong. 2d Sess.

18. John W. McCormack (Mass.).

and practice in recognizing the gentleman from Illinois on the motion to recommit.

MR. MICHEL: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHEL: Is it not also true that for one to qualify to amend a motion to recommit, one would also have to be opposed to the bill?

THE SPEAKER: At that stage, should it develop, not necessarily.

Members of the Minority

§ 27.15 In recognizing a Member for a motion to recommit, the Speaker gives preference to a minority member if opposed to the measure.

On Mar. 29, 1954,⁽¹⁹⁾ the House was considering House Resolution 468, authorizing expenditures to be paid out of the contingent fund of the House. The following occurred:

MR. [AUGUSTINE B.] KELLEY of Pennsylvania: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽²⁰⁾ Is the gentleman opposed to the resolution?

MR. KELLEY of Pennsylvania: I am, Mr. Speaker.

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, I have a motion to recommit with instructions.

THE SPEAKER: The Chair is obliged to say that, by reason of a time-hon-

ored custom, the motion to recommit belongs to the minority party if they claim the privilege, and in this instance they have claimed it. Therefore, the Chair is constrained to recognize the gentleman from Pennsylvania (Mr. Kelley), for that purpose.⁽¹⁾

§ 27.16 On one occasion, the Speaker intended to recognize the Chairman of the Committee on the Judiciary to offer a motion to recommit, but the Minority Leader claimed that the motion to recommit was the prerogative of the minority and the Speaker recognized a minority member of the Committee on Interstate and Foreign Commerce, the committee which had reported the matter to the House, to offer the motion.

On July 13, 1971,⁽²⁾ the House was considering a resolution (H. Res. 534) certifying the contumacious conduct of Frank Stanton, the president of CBS, as a witness

19. 100 CONG. REC. 3962-67, 83d Cong. 2d Sess.

20. Joseph W. Martin, Jr. (Mass.).

1. See also 101 CONG. REC. 3950, 84th Cong. 1st Sess., Mar. 29, 1955; 92 CONG. REC. 10104, 79th Cong. 2d Sess., July 25, 1946; 89 CONG. REC. 9899, 78th Cong. 1st Sess., Nov. 23, 1943; 88 CONG. REC. 478, 77th Cong. 2d Sess., Jan. 19, 1942; and 86 CONG. REC. 8214, 76th Cong. 3d Sess., June 13, 1940.

2. 117 CONG. REC. 24723, 24752, 24753, 92d Cong. 1st Sess.

before the Committee on Interstate and Foreign Commerce. Mr. Hastings Keith, of Massachusetts, a member of that committee, was recognized to offer a motion to recommit the resolution to the Committee on Interstate and Foreign Commerce.⁽³⁾

Minority Member Opposed to Measure in Its "Present Form"

§ 27.17 Under the prior practice, the Speaker extended recognition to a minority member "opposed to the bill in its present form" over a

3. *Parliamentarian's Note:* The *Congressional Record* indicates only that Mr. Keith, a Republican, was recognized to offer a motion to recommit. However, prior to consideration of the resolution, the Speaker had announced to the press his support of a motion to recommit the resolution to the Committee on the Judiciary for further study of the constitutional questions involved. During consideration of the resolution, however, the Minority Leader, Gerald R. Ford (Mich.), suggested that recognition to offer the motion to recommit was the prerogative of the minority, whereas the Speaker had indicated that he would recognize Emanuel Celler (N.Y.), Chairman of the Committee on the Judiciary, to offer the motion. The Speaker therefore agreed to recognize a minority member of the Committee on Interstate and Foreign Commerce to offer the motion.

majority member with the same qualification where no one stated he was opposed to the bill without qualification.

On July 7, 1949,⁽⁴⁾ the House was considering S. 1008, to define the application of the Federal Trade Commission and the Clayton Act to certain pricing practices. Mr. H. R. Gross, of Iowa, offered a motion to recommit, and the Speaker, Sam Rayburn, of Texas, posed the following question:

THE SPEAKER: Is the gentleman opposed to the bill?

MR. GROSS: I am, in its present form.

THE SPEAKER: Is there anyone opposed to the bill without qualification?

MR. [JOSEPH L.] EVINS [of Tennessee]: Mr. Speaker, I have a motion to recommit.

THE SPEAKER: Is the gentleman from Tennessee opposed to the bill?

MR. EVINS: I am, in its present form.

THE SPEAKER: The gentleman does not qualify any more than the gentleman from Iowa.⁽⁵⁾

Minority Members of Reporting Committee

§ 27.18 In recognizing Members to move to recommit,

4. 95 CONG. REC. 9074, 81st Cong. 1st Sess.
5. *Parliamentarian's Note:* Mr. Evins was a Democrat and hence a member of the majority party in the 81st Congress.

the Speaker gives preference to minority members of the committee reporting the bill.

On June 19, 1959,⁽⁶⁾ the following occurred on the floor of the House:

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I have a motion to recommit.

MR. [NOAH M.] MASON [of Illinois]: Mr. Speaker, I offer a motion to recommit, which is at the Clerk's desk.

THE SPEAKER:⁽⁷⁾ The gentleman from Illinois [Mr. Mason], a member of the Committee on Ways and Means, and in the minority, has the right to make the motion to recommit.

Is the gentleman from Illinois opposed to the bill?

MR. MASON: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

§ 27.19 On one occasion a minority member of a committee reporting a bill offered a straight motion to recommit (having qualified as being opposed to the bill), and then voted against that motion.

On Sept. 16, 1971,⁽⁸⁾ the House was considering H.R. 1746, the Equal Employment Opportunity Act of 1971. Mr. John M.

6. 105 CONG. REC. 11372, 86th Cong. 1st Sess.

7. Sam Rayburn (Tex.).

8. 117 CONG. REC. 32112, 92d Cong. 1st Sess.

Ashbrook, of Ohio, was then recognized.

MR. ASHBROOK: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁹⁾ Is the gentleman opposed to the bill?

MR. ASHBROOK: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves that the bill H.R. 1746 be recommitted to the Committee on Education and Labor. . . .

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 270, not voting 33.

Mr. Ashbrook was listed among those voting nay.

Recognizing Minority Members of Reporting Committee

§ 27.20 In recognizing Members to move to recommit, the Speaker gives preference first to the ranking minority member of the committee reporting the bill; then to the remaining minority members of that committee in the order of their rank.

On June 18, 1957,⁽¹⁰⁾ the House was considering H.R. 6127, a civil rights bill. Mr. Joseph W. Martin,

9. Carl Albert (Okla.).

10. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

Jr., of Massachusetts, inquired as to the relative priorities in recognition to offer the motion to recommit. The Speaker, Sam Rayburn, of Texas, responded to the inquiry by citing a ruling by former Speaker Champ Clark:

THE SPEAKER: The Chair in answer to that will ask the Clerk to read the holding of Mr. Speaker Champ Clark, which is found in volume 8 of Cannon's Precedents of the House of Representatives, section 2767.

The Clerk read as follows:

The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Kansas (Mr. Murdock), as the leader of the third party in the House. Of course he would have to qualify. The Chair will state it again. The present occupant of the chair laid down a rule here about a year ago that in making this preferential motion for recommitment the Speaker would recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee. . . .

THE SPEAKER: . . . In looking over this list, the Chair has gone down the list and will make the decision when someone arises to make a motion to recommit. The Chair does not know entirely who is going to seek recognition.

MR. [RICHARD H.] POFF [of Virginia]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. POFF: I am, Mr. Speaker.

MR. [RUSSELL W.] KEENEY [of Illinois]: Mr. Speaker, I also offer a motion to recommit, and I, too, am opposed to the bill.

THE SPEAKER: In this instance the Chair finds that no one has arisen who is a member of the minority of the Committee on the Judiciary until it comes down to the name of the gentleman from Virginia [Mr. Poff]. He ranks the gentleman from Illinois [Mr. Keeney] and is therefore senior. Under the rules and precedents of the House, the Chair therefore must recognize the gentleman from Virginia [Mr. Poff].⁽¹¹⁾

§ 27.21 Members of the committee reporting a measure are entitled to prior recognition for the purpose of offering a motion to recommit if they qualify as being opposed to the measure.

Parliamentarian's Note: On June 29, 1937,⁽¹²⁾ the House was considering H.R. 7562, the farm tenancy bill. The Speaker, William B. Bankhead, of Alabama, recognized Mr. Gerald J. Boileau,

11. See also 116 CONG. REC. 17327, 91st Cong. 2d Sess., May 28, 1970; and 114 CONG. REC. 18914, 90th Cong. 2d Sess., June 26, 1968.

12. 81 CONG. REC. 6580, 6581, 75th Cong. 1st Sess.

of Wisconsin, to offer a motion to recommit, although Mr. Joseph W. Martin, Jr., of Massachusetts, was also on his feet attempting to offer a motion to recommit. Since Mr. Boileau was a member of the Committee on Agriculture and Mr. Martin was not, the Speaker accorded prior recognition to Mr. Boileau. Upon discovering that Mr. Boileau was not opposed to the measure, the Speaker recognized Mr. Martin to offer his motion to recommit.

§ 27.22 Recognition to offer a motion to recommit was extended to a minority member of the committee which reported the bill under consideration, who qualified as being opposed to the bill “in its present form,” although a majority member of the committee, totally opposed to the bill, was on his feet seeking recognition.

Parliamentarian's Note: On June 30, 1969,⁽¹³⁾ the House was considering H.R. 12290, continuing an income tax surcharge and certain excise taxes through fiscal 1970.

The Speaker⁽¹⁴⁾ recognized Mr. Charles E. Chamberlain, of Michi-

gan, who opposed the bill “in its present form,” to offer a motion to recommit, although a member of the majority party who was totally opposed to the bill was on his feet seeking recognition.

MR. CHAMBERLAIN: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CHAMBERLAIN: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

§ 27.23 A member of the committee reporting a measure, if opposed to the bill in its final form, is entitled to move to recommit over one not a member of the committee.

On Oct. 9, 1951,⁽¹⁵⁾ the House was considering S. 1959, to amend the National Labor Relations Act. After Mr. Clare E. Hoffman, of Michigan, offered a motion to recommit Mr. Cleveland M. Bailey, of West Virginia, a member of the majority, rose with a parliamentary inquiry:

MR. BAILEY: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁶⁾ The gentleman will state it.

MR. BAILEY: Mr. Speaker, as a member of the Committee on Education and

13. 115 CONG. REC. 17874, 91st Cong. 1st Sess.

14. John W. McCormack (Mass.).

15. 97 CONG. REC. 12863, 82d Cong. 1st Sess.

16. Sam Rayburn (Tex.).

Labor, do I not have the privilege of recognition?

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: May I inquire if it is not the practice and the rules of the House of Representatives that the right to offer a motion to recommit goes first to someone on the minority side?

THE SPEAKER: In response to the gentleman from Indiana, that is correct, if he is a member of the committee, reporting the bill. The Chair quotes from page 301 of Cannon's procedure in the House of Representatives as follows:

A member of the committee reporting the measure and opposed to it is entitled to recognition to move to recommit over one not a member of the committee.

MR. [WALTER E.] BREHM [of Ohio]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: The Chair will hold that the gentleman is not too late in offering the motion. Is the gentleman opposed to the bill?

MR. BREHM: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion, and that motion must be in writing.⁽¹⁷⁾

§ 27.24 On one occasion a minority member of the Com-

17. *Parliamentarian's Note:* Both Mr. Brehm and Mr. Hoffman were members of the minority party, however, Mr. Brehm was a member of the Committee on Education and Labor and Mr. Hoffman was not.

mittee on Ways and Means, which had considered title three of a bill reported by the Committee on Public Works, was recognized to offer a straight motion to recommit to the Committee on Public Works, although a minority member of the Committee on Public Works also opposed to the bill, sought to offer a motion to recommit with instructions.

On Nov. 25, 1970,⁽¹⁸⁾ the House was considering H.R. 19504, relating to federal aid for highway construction. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Joel T. Broyhill, of Virginia, to offer a motion to recommit:

MR. BROYHILL of Virginia: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman from Virginia opposed to the bill?

MR. BROYHILL of Virginia: I am, Mr. Speaker.

MR. [FRED] SCHWENGEL [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state the parliamentary inquiry.

MR. SCHWENGEL: Mr. Speaker, I speak as a member of the Committee on Public Works. This is a public works bill. I have a recommittal motion at the desk which was filed earlier this afternoon.

18. 116 CONG. REC. 38997, 91st Cong. 2d Sess.

THE SPEAKER: The Chair will state that title III of the bill is a provision that has come from the Committee on Ways and Means. The gentleman from Virginia [Mr. Broyhill] is a member of the Committee on Ways and Means.

Parliamentarian's Note: Mr. Broyhill had been a Member of Congress since the onset of the 83d Congress. Mr. Schwengel had begun his service with the 84th Congress, and after being defeated for a term in the 89th Congress, returned with the 90th Congress.

Recognizing Majority Member Opposed to Measure

§ 27.25 Where no Member from the minority side seeks recognition to offer a motion to recommit, the Chair recognizes a Member from the majority side who qualifies as being opposed to measure.

On Apr. 5, 1967,⁽¹⁹⁾ the House was considering House Resolution 221, appropriating funds for the administration of the House. After the Speaker, John W. McCormack, of Massachusetts, ruled out on a point of order a motion to recommit offered by Mr. John Ashbrook, of Ohio, Mr. Sidney R. Yates, of Illinois, was recognized on a parliamentary inquiry:

MR. YATES: Mr. Speaker, in view of the fact that the Chair ruled out the

19. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

motion to recommit made by a member of the minority, is it in order for the gentleman from California [Mr. Edwards], who is on his feet seeking recognition to offer a motion to recommit?

THE SPEAKER: If no Member on the minority side seeks recognition to offer a motion to recommit, then a Member on the majority side may be recognized to offer a motion to recommit.

MR. [DON] EDWARDS of California: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from California rise?

MR. EDWARDS of California: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. EDWARDS of California: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies.

The Clerk will report the motion to recommit.⁽²⁰⁾

Floor Manager of Measure

§ 27.26 The chairman of the committee reporting a bill who had managed the bill during its consideration on the floor of the House offered

20. See also 111 CONG. REC. 25663, 89th Cong. 1st Sess., Sept. 30, 1965; 110 CONG. REC. 20120, 88th Cong. 2d Sess., Aug. 18, 1964; 94 CONG. REC. 8014, 80th Cong. 2d Sess., June 12, 1948; 93 CONG. REC. 7845, 80th Cong. 1st Sess., June 27, 1947; and 92 CONG. REC. 9776, 79th Cong. 2d Sess., July 23, 1946.

a motion to recommit with instructions to report it back with an amendment which he had offered, and which had been rejected, in the Committee of the Whole.

On Apr. 22, 1968,⁽¹⁾ the House was considering H.R. 16409, the District of Columbia Teachers' Salary Act. After the bill was read for the third time, John L. McMillan, of South Carolina, the Chairman of the Committee on the District of Columbia rose to his feet:

MR. McMILLAN: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽²⁾ Is the gentleman opposed to the bill?

MR. McMILLAN: In its present form I am opposed to the bill.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McMillan moves to recommit the bill H.R. 16409 to the Committee on the District of Columbia with instructions to report the bill back forthwith with the following amendment: On page 2, strike out the salary schedule beginning after line 2 and ending before line 1 on page 4 and insert in lieu thereof the following: . . .

MR. McMILLAN (during the reading): Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the Record.

1. 114 CONG. REC. 10126, 10130, 90th Cong. 2d Sess.
2. John W. McCormack (Mass.).

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

MR. [JOEL T.] BROYHILL of Virginia: Reserving the right to object, is the amendment the gentleman has offered as a motion to recommit the same amendment which the gentleman offered during the debate on the bill which would reduce the salary structure by \$200?

MR. McMILLAN: Two hundred dollars across the board.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

§28 Offering the Motion; Procedure

Oral or Written Motions

§ 28.1 Motions to recommit must be sent to the Speaker's desk and are required to be in writing.

On June 16, 1949,⁽³⁾ the House was considering H.R. 4963, providing for the appointment of additional circuit and district judges. After the Speaker, Sam Rayburn, of Texas, announced that the question was on the passage of the bill, Mr. Carl T. Curtis, of Ne-

3. 95 CONG. REC. 7855, 7856, 81st Cong. 1st Sess.

braska, offered a motion to recommit:

MR. CURTIS: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CURTIS: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. The Clerk will report the motion. The Clerk read as follows:

Mr. Curtis moves to recommit the report back with the Keating amendment. . . .

MR. [EMANUEL] CELLER [of New York]: Mr. Speaker, I make a point of order against the motion to recommit that in that form, it is not in order.

THE SPEAKER: The point of order is sustained.

MR. CURTIS: Mr. Speaker, I move that the bill be recommitted and reported back with this amendment:

That not more than two-thirds of the total number of circuit judges or district judges authorized hereunder first appointed pursuant hereto shall be members of the same political party.

THE SPEAKER: Will the gentleman send the motion to the desk? The motion has to be in writing.⁽⁴⁾

Form of Instructions

§ 28.2 A motion to recommit a bill with instructions to report it back with the "Keating amendment" (an amendment rejected in the

4. See also 97 CONG. REC. 12863, 82d Cong. 1st Sess., Oct. 9, 1951.

Committee of the Whole) was held not to be in proper form inasmuch as the House has no knowledge of amendments rejected in the Committee of the Whole and not reported therefrom.

On June 16, 1949,⁽⁵⁾ the House was considering H.R. 4963, providing for appointment of additional federal judges. The following occurred:

THE SPEAKER:⁽⁶⁾ The question is on the passage of the bill.

MR. [CARL T.] CURTIS [of Nebraska]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CURTIS: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. The Clerk will report the motion. The Clerk read as follows:

Mr. Curtis moves to recommit the report back with the Keating amendment.

THE SPEAKER: The House certainly has no knowledge of what the Keating amendment is. That was acted on in the Committee of the Whole. We are in a different jurisdiction now.

Correcting Language

§ 28.3 The use of incorrect language in a motion to recommit is not within the control

5. 95 CONG. REC. 7855, 7856, 81st Cong. 1st Sess.
6. Sam Rayburn (Tex.).

of the Chair after the previous question has been ordered.

On May 19, 1939,⁽⁷⁾ the House was considering H.R. 6392, providing appropriations for the Departments of Justice, State, Commerce, and the Judiciary. Mr. Charles Hawks, Jr., of Wisconsin, was then recognized:

MR. HAWKS: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁸⁾ Is the gentleman opposed to the bill?

MR. HAWKS: Yes.

THE SPEAKER: The gentlemen qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hawks moves to recommit the bill to the committee with instructions to report it back forthwith with the following amendment: At the end of the bill insert a new paragraph, as follows:

"No part of the funds appropriated in this bill shall be used for the purpose of purchasing any foreign dairy or other competitive foreign agricultural products which are not produced in the United States in sufficient quantities to meet domestic needs." . . .

MR. THOMAS S. McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. James W. Mott, of Oregon, was then recognized.

7. 84 CONG. REC. 5856, 76th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

MR. MOTT: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MOTT: May I inquire whether the apparent inaccuracy or error to which attention was called by the gentleman from South Dakota has been corrected? There was a double negative in there as I heard the amendment read.

THE SPEAKER: That is not a matter within the control of the Chair, the previous question having been ordered.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CASE of South Dakota: Mr. Speaker, some of us are under the impression that the wording of the amendment as it is on the Clerk's desk is not in the form in which it was read. May I ask as a parliamentary inquiry whether the amendment upon which we will vote is as it was read to the House or if the words "may not be" are changed to "can"?

THE SPEAKER: There is no amendment pending before the House.

MR. CASE of South Dakota: I refer to the motion to recommit.

THE SPEAKER: The motion to recommit has been reduced to writing and has been read from the Clerk's desk. It speaks for itself.

§ Sec. 28.4 A motion that the Committee of the Whole rise and report a bill back to the House with the enacting clause be stricken out and

the bill “returned” to a committee with instructions to remove a provision permitting the government to manufacture rum was held not to be in proper form.

On May 5, 1949,⁽⁹⁾ the Committee of the Whole was considering H.R. 2989, dealing with the Virgin Islands Corporation. The following occurred:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman I offer a preferential motion.

The Clerk read as follows:

Mr. Rich moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be stricken and the bill be returned to the Committee on Public Lands with instructions to remove the provision permitting the Government to manufacture rum.

THE CHAIRMAN:⁽¹⁰⁾ The Chair will state that the motion as presented by the gentleman from Pennsylvania is not in proper form for a preferential motion.

Parliamentarian's Note: It is inconsistent to move that the Committee of the Whole recommend to the House both that the enacting clause of a measure be stricken and that the measure be “returned” (recommitted) to a committee. Concurrence by the House

in the former constitutes a rejection of the measure and precludes recommittal. In the event that the House disagrees to the recommendation to strike the enacting clause, recommittal to the Committee of the Whole is automatic. Pending a vote in the House on agreeing to the recommendation to strike the enacting clause, a motion to recommit is in order. Rule XXIII clause 7, *House Rules and Manual* §875 (1983).

Rereading Motion

§ 28.5 A motion to recommit read by the Clerk may again be read by unanimous consent.

On May 19, 1939,⁽¹¹⁾ the House was considering H.R. 6392, appropriations for the Departments of Commerce, State, Justice, and for the Judiciary. After the Clerk read a motion to recommit offered by Mr. Charles Hawks, Jr., of Wisconsin, and after the Chair overruled a point of order against the motion, Mr. Francis H. Case, of South Dakota, was recognized.

MR. CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹²⁾ The gentleman will state it.

9. 95 CONG. REC. 5705, 81st Cong. 1st Sess.

10. Wilbur D. Mills (Ark.).

11. 84 CONG. REC. 5856, 76th Cong. 1st Sess.

12. William B. Bankhead (Ala.).

MR. CASE of South Dakota: May the motion again be read? I think there was an error in it.

THE SPEAKER: It may be read by unanimous consent.

Is there objection to the reading of the motion?

MR. [JOHN] LESINSKI [of Michigan]: Mr. Speaker, I object.

Form for Recommittal of Resolution

§ 28.6 The House considered a motion to recommit a resolution with instructions to a standing committee to hold open hearings thereon.

On Apr. 5, 1967,⁽¹³⁾ the House was considering House Resolution 221, providing funds for the Committee on Un-American Activities. Mr. Don Edwards, of California, offered the following motion to recommit:

Mr. Edwards of California moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions that open hearings be held on justification for such additional funds of the House Committee on Un-American Activities as provided in House Resolution 221.⁽¹⁴⁾

13. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

14. See also 111 CONG. REC. 3664, 3665, 89th Cong. 1st Sess., Feb. 25, 1965.

Form for Recommittal of Conference Report With Instructions

§ 28.7 The House considered a motion recommitting a conference report with instructions to House conferees.

On Sept. 15, 1965,⁽¹⁵⁾ the House was considering the conference report on H.R. 8283, the Economic Opportunity Act Amendments of 1965. Mr. William H. Ayres, of Ohio, offered the following motion to recommit:

Mr. Ayres moves to recommit the conference report on the bill (H.R. 8283) to the committee of conference with instructions to the managers on the part of the House insist on the language of section 10 of the House bill, which retains the veto power of State Governors in the form approved by the House.⁽¹⁶⁾

Form of Motion to Recommit Bill With Instructions

§ 28.8 The House considered a motion to recommit a bill with instructions that the committee not report back to the House until certain information is available to it.

15. 111 CONG. REC. 23928, 23931, 23936, 89th Cong. 1st Sess.

16. See also 109 CONG. REC. 8037, 8043, 88th Cong. 1st Sess., May 8, 1963; and 97 CONG. REC. 8064, 8071, 8072, 82d Cong. 1st Sess., July 12, 1951.

On Mar. 5, 1970,⁽¹⁷⁾ the House was considering S. 2910, additional authorization for the Library of Congress James Madison Memorial Building. Mr. Marion G. Snyder, of Kentucky, offered a motion to recommit:

Mr. Snyder moves to recommit the bill S. 2910 to the Committee on Public Works with the instruction that it not be reported back to the House until all necessary designs, plans, and specifications have been completed.

Reporting Amendment to House Pursuant to Instructions

§ 28.9 An amendment is immediately reported to the House pursuant to a motion to recommit with instructions to report back “forthwith” with an amendment.

On Apr. 1, 1948,⁽¹⁸⁾ the House was considering H.R. 6055, the deficiency appropriation bill of 1948. After the engrossed copy of the bill was read and the Speaker, Joseph W. Martin, Jr., of Massachusetts, announced that the question was on the passage of the bill, Mr. Clarence Cannon, of Missouri, offered the following motion to recommit:

Mr. Cannon moves to recommit the bill to the Committee on Appropria-

tions with instructions to report the bill back forthwith with an amendment as follows:

On page 10, line 7, strike out “\$300,000,000” and insert in lieu thereof “\$400,000,000.”

After the Clerk announced the vote adopting the motion offered by Mr. Cannon, the Chair recognized Mr. John Taber, of New York.

MR. TABER: Mr. Speaker, in accordance with the instructions of the House, I report the bill back with an amendment which is at the desk.

THE SPEAKER: The Clerk will read the amendment.

The Clerk read as follows:

Page 10, line 7, strike out “\$300,000,000” and insert in lieu thereof “\$400,000,000.”

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

THE SPEAKER: The question is on the passage of the bill.⁽¹⁹⁾

§ 29. Time for Motion

After Engrossment and Third Reading.

§ 29.1 The motion to recommit is not in order until the bill

17. 116 CONG. REC. 6191, 91st Cong. 2d Sess.

18. 94 CONG. REC. 3994, 80th Cong. 2d Sess.

19. See also 108 CONG. REC. 16781, 87th Cong. 2d Sess., Aug. 16, 1962; and 94 CONG. REC. 448-450, 80th Cong. 2d Sess., Jan. 22, 1948.

has been engrossed and read a third time.

On June 12, 1961,⁽²⁰⁾ the House was considering H.R. 7053, relating to the admission of certain evidence in the courts of the District of Columbia. Mr. Abraham J. Multer, of New York, rose with a parliamentary inquiry:

MR. MULTER: Mr. Speaker, at what point is a motion to recommit in order?

THE SPEAKER PRO TEMPORE:⁽¹⁾ Prior to the passage of the bill and after the third reading.⁽²⁾

§ 29.2 Further consideration of a general appropriation bill having been postponed to a day certain by unanimous consent following engrossment and third reading of the bill, a motion to recommit the bill is in order when consideration resumes on the subsequent day.

On Apr. 17, 1973,⁽³⁾ the House having considered H.R. 6691, making appropriations for the leg-

islative branch for fiscal 1974, ordered that the bill be engrossed and read a third time, and then postponed further consideration thereof until the next day. On Apr. 18,⁽⁴⁾ the Speaker⁽⁵⁾ made the following statement:

The unfinished business is the question on the passage of the bill (H.R. 6691) making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for the other purposes.

The Clerk read the title of the bill.

MR. [ALPHONZO] BELL [of California]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. BELL: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

Pending Concurrence With Recommendation That Enacting Clause Be Stricken

§ 29.3 Whenever a bill is reported to the House by the Committee of the Whole with the recommendation that the enacting clause be stricken out, pending the question of concurrence, a motion to recommit the bill to a committee is in order.

On Mar. 24, 1949,⁽⁶⁾ the Committee of the Whole having had

20. 107 CONG. REC. 10080, 87th Cong. 1st Sess.

1. W. Homer Thornberry (Tex.).

2. See also 105 CONG. REC. 10561, 86th Cong. 1st Sess., June 11, 1959; 96 CONG. REC. 2254, 81st Cong. 2d Sess., Feb. 22, 1950; and 84 CONG. REC. 5535, 5536, 76th Cong. 1st Sess., May 15, 1939.

3. 119 CONG. REC. 12792, 93d Cong. 1st Sess.

4. *Id.* at p. 13079.

5. Carl Albert (Okla.).

6. 95 CONG. REC. 3110-15, 81st Cong. 1st Sess.

under consideration H.R. 2681, to provide pensions for the veterans of World War I and World War II, reported the bill back to the House with the recommendation that the enacting clause be stricken out. As the Speaker pro tempore, John W. McCormack, of Massachusetts, stated that the question would be on that recommendation, Mr. Olin Teague, of Texas, and Mr. John E. Rankin, of Mississippi, both members of the majority party, rose:

THE SPEAKER PRO TEMPORE: The question is on the recommendation of the Committee of the Whole House on the State of the Union that the enacting clause be stricken out.

Mr. Teague rose.

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman from Texas rise?

MR. RANKIN: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. RANKIN: I make the point of order that, according to the rules of the House, the vote comes now on the motion to strike out the enacting clause. I looked into the matter carefully last night.

THE SPEAKER PRO TEMPORE: In this particular legislative situation the motion to recommit is in order under clause 7 of rule 23.

The Chair recognizes the gentleman from Texas [Mr. Teague]. . . .

MR. TEAGUE: Mr. Speaker, I offer a motion to recommit.

MR. RANKIN: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. RANKIN: The gentleman from Texas to qualify to offer a motion to recommit must announce that he is opposed to the bill.

THE SPEAKER PRO TEMPORE: Is the gentleman from Texas opposed to the bill?

MR. TEAGUE: Mr. Speaker, I am opposed to the bill as now written.

THE SPEAKER PRO TEMPORE: The gentleman qualifies. The Clerk will report the motion to recommit.

After Ordering of Previous Question

§ 29.4 A motion to recommit a resolution is properly made after the previous question on that resolution is ordered.

On Sept. 17, 1965,⁽⁷⁾ the House was considering House Resolution 585, dismissing five Mississippi election contests. After the previous question was ordered, the Speaker, John W. McCormack, of Massachusetts, stated that the question would be on the resolution as amended. Mr. Charles S. Gubser, of California, rose with a parliamentary inquiry:

MR. GUBSER: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

7. 111 CONG. REC. 24291, 89th Cong. 1st Sess.

MR. GUBSER: Mr. Speaker, I intend to offer a motion to recommit. Will the Chair please advise when that will be in order?

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. GUBSER: I am, Mr. Speaker.

THE SPEAKER: The Chair will advise the gentleman now is the appropriate time.

After Yeas and Nays Ordered

§ 29.5 Where the yeas and nays had been ordered on the passage of a bill, it was held to be too late to offer a motion to recommit.

On June 27, 1935,⁽⁸⁾ the House was considering H.R. 8555, the merchant marine bill. Speaker Joseph W. Byrns, of Tennessee, put the question on the passage of the bill, and the following occurred:

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded to call the roll.

MR. [RALPH O.] BREWSTER [of Maine]: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from Maine rise?

MR. BREWSTER: To propound a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. BREWSTER: Mr. Speaker, it was my intention to offer a motion to recommit.

8. 79 CONG. REC. 10288, 10289, 74th Cong. 1st Sess.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, I rise to a point of order. The Clerk had already begun the calling of the roll and had called the first name, "Allen." I make the point of order the gentleman from Maine cannot interrupt the roll call.

THE SPEAKER: The Chair overrules the point of order. The gentleman from Maine is entitled to propound a legitimate parliamentary inquiry, and the Chair presumes that the inquiry propounded is a proper one. The gentleman from Maine will state his parliamentary inquiry.

MR. BREWSTER: Mr. Speaker, do I understand that a motion to recommit cannot be submitted at this stage?

THE SPEAKER: Such a motion is not in order at this time.

After Announcing Result of Vote

§ 29.6 A motion to recommit comes too late when the Chair has put the question on passage and has announced the apparent result of the vote.

On Dec. 11, 1969,⁽⁹⁾ the House was considering H.R. 4249, extending portions of the Voting Rights Act of 1965.

THE SPEAKER:⁽¹⁰⁾ The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

9. 115 CONG. REC. 38536, 38537, 91st Cong. 1st Sess.

10. John W. McCormack (Mass.).

MR. [DON] EDWARDS of California: Mr. Speaker, a parliamentary inquiry: has a motion to recommit been made?

THE SPEAKER: The Chair will state that a motion to recommit comes too late at this stage. The Chair has already put the question on the passage of the bill and announced that the ayes appeared to have it.

Recommittal of Conference Report

§ 29.7 A motion to recommit a conference report is not in order unless the previous question has been ordered on the conference report.

On Dec. 15, 1970,⁽¹¹⁾ the House was considering H.R. 17755, Department of Transportation appropriations for fiscal 1971. Pending the ordering of the previous question on the conference report on H.R. 17755, Mr. Sidney Yates, of Illinois, was recognized.

MR. YATES: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹²⁾ The gentleman will state his parliamentary inquiry.

MR. YATES: Mr. Speaker, as I understand, in order to have specific instructions given to the conferees it is necessary that the previous question be voted down; is that correct? I mean on the motion to recommit?

11. 116 CONG. REC. 41502, 41503, 91st Cong. 2d Sess.

12. Wilbur D. Mills (Ark.).

THE SPEAKER PRO TEMPORE: The Chair will state that the gentleman from Illinois is in error. The previous question on the conference report has to be ordered before there can be a motion to recommit.⁽¹³⁾

§ 29.8 A motion to recommit a conference report is not in order when the other House has, by acting on the report, discharged its managers.

On June 5, 1968,⁽¹⁴⁾ the House was considering the conference report on H.R. 11308, amending the National Foundation of Arts and Humanities Act of 1965.

MR. [FRANK] THOMPSON of New Jersey: Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MR. [WILLIAM J.] SCHERLE [of Iowa]: Mr. Speaker, I offer a motion to recommit.

MR. THOMPSON of New Jersey: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:⁽¹⁵⁾ The gentleman will state the point of order.

MR. THOMPSON of New Jersey: Mr. Speaker, I make a point of order against the motion to recommit on the ground that the other body has already acted.

13. See also 111 CONG. REC. 25663, 89th Cong. 1st Sess., Sept. 30, 1965; 109 CONG. REC. 25409, 88th Cong. 1st Sess., Dec. 21, 1963; and 101 CONG. REC. 9379, 84th Cong. 1st Sess., June 29, 1955.

14. 114 CONG. REC. 16058, 90th Cong. 2d Sess.

15. Carl Albert (Okla.).

THE SPEAKER PRO TEMPORE: The point of order is sustained.⁽¹⁶⁾

§ 30. Debating the Motion

Time for Debate

§ 30.1 Pursuant to Rule XVI clause 4, five minutes of debate in favor of and five minutes in opposition to a motion to recommit with instructions are in order notwithstanding the ordering of the previous question on a bill or joint resolution to final passage.

On July 19, 1973,⁽¹⁷⁾ the House was considering H.R. 8860, to amend and extend the Agricultural Act of 1970. After the previous question was ordered on the bill, Mr. Charles M. Teague, of California, was recognized:

MR. TEAGUE of California: Mr. Speaker I offer a motion to recommit.

THE SPEAKER:⁽¹⁸⁾ Is the gentleman opposed to the bill?

16. See also 109th CONG. REC. 25249, 88th Cong. 1st Sess., Dec. 19, 1963; 107 CONG. REC. 5288, 87th Cong. 1st Sess., Mar. 29, 1961; 102 CONG. REC. 13755, 13764, 84th Cong. 2d Sess., July 20, 1956; and 89 CONG. REC. 7135, 78th Cong. 1st Sess., July 3, 1943.

17. 119 CONG. REC. 24966, 93d Cong. 1st Sess.

18. Carl Albert (Okla.).

MR. TEAGUE of California: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit. . . .

Under the rule the gentleman from California is recognized for 5 minutes. . . .

Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. [WILLIAM R.] POAGE [of Texas]: I do, Mr. Speaker.⁽¹⁹⁾

Parliamentarian's Note: Rule XVI clause 4 was amended by the Legislative Reorganization Act of 1970 [84 Stat. 1140, Pub. L. No. 91-510, § 123 (Oct. 26, 1970)] to provide that 10 minutes of debate shall always be in order on a motion to recommit with instructions after the previous question is ordered on the passage of a bill or joint resolution. This change became effective on Jan. 22, 1971 (H. Res. 5, 92d Cong. 1st Sess.).

Yielding to Another Member After Debate

§ 30.2 The Member offering a motion to recommit a bill with instructions may, at the conclusion of debate thereon, yield to another Member to

19. See also 119 CONG. REC. 13079, 93d Cong. 1st Sess., Apr. 18, 1973; 118 CONG. REC. 3451-53, 92d Cong. 2d Sess., Feb. 9, 1972; and 117 CONG. REC. 34345-47, 92d Cong. 1st Sess., Sept. 30, 1971.

offer an amendment to the motion if the previous question has not been ordered on that motion.

On July 19, 1973,⁽²⁰⁾ Mr. Charles M. Teague, of California, offered a motion to recommit the bill H.R. 8860, to amend and extend the Agricultural Act of 1970. After Mr. Teague had debated his motion for five minutes, William R. Poage, of Texas, the chairman of the committee that reported the bill, was recognized in opposition to the motion to recommit.

THE SPEAKER: ⁽¹⁾ Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. POAGE: I do, Mr. Speaker.

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman

from California can yield for that purpose. . . .

The time of the gentleman from Texas has expired.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. HAYS: Mr. Speaker, my point of order is that I do not believe the gentleman from California can yield for this purpose without getting unanimous consent.

THE SPEAKER: The gentleman can yield for the purpose of an amendment, since he has the floor.

MR. TEAGUE of California: Mr. Speaker, I yield to the distinguished minority leader for the purpose of offering an amendment.

MR. GERALD R. FORD: Mr. Speaker, I offer an amendment to the motion to recommit.

MR. [JOHN E.] MOSS [of California]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. MOSS: Mr. Speaker, my point of order is that the time of the gentleman from California had expired.

THE SPEAKER: That does not keep him from yielding.

MR. MOSS: He has not got the floor.

THE SPEAKER: The gentleman from California has the right to yield for an amendment, since he still has the floor as the previous question has not been ordered on the motion to recommit.

Challenging Motion After Debate

§ 30.3 A point of order that a motion to recommit a bill

20. 119 CONG. REC. 24966, 24967, 93d Cong. 1st. Sess.

1. Carl Albert (Okla.).

with instructions is not germane to the bill comes too late after the proponent of the motion has been recognized for five minutes of debate and has yielded for a parliamentary inquiry.

On June 2, 1971,⁽²⁾ the House was considering H.R. 3613, the Public Service Employment Act. Speaker Carl Albert, of Oklahoma, then recognized Mr. Marvin L. Esch, of Michigan.

MR. ESCH: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. ESCH: I am, in its present form, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk then read Mr. Esch's motion to recommit the bill with instructions to report it back forthwith with an amendment.

THE SPEAKER: The gentleman from Michigan (Mr. Esch) is recognized for 5 minutes.

MR. [JAMES. G.] O'HARA [of Michigan]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Michigan yield for a parliamentary inquiry?

MR. ESCH: I yield to the gentleman from Michigan for a parliamentary inquiry.

MR. O'HARA: Mr. Speaker, I would like to inquire if this is the exact text of H.R. 8141 that was made in order by the amendment to the rule.

MR. ESCH: The gentleman is correct.

MR. O'HARA: Then I would like to inquire of the Speaker, if the fact that an amendment was made in order, a particular amendment otherwise not germane, was made in order under the 5-minute rule, by provisions of the resolution from the Committee on Rules, would that make the same non-germane amendment in order as a motion to recommit with instructions?

THE SPEAKER: The gentleman from Michigan (Mr. Esch) has been recognized on his motion to recommit with instructions. Any challenge to the motion would now come too late.

The gentleman from Michigan (Mr. Esch) may continue to debate his motion to recommit with instructions.

Rights of Member Recognized in Opposition

§ 30.4 A Member recognized for five minutes in opposition to a motion to recommit with instructions controls the floor for debate only, and may not yield to another Member to offer an amendment to the motion to recommit.

On July 19, 1973,⁽³⁾ Mr. Charles M. Teague, of California, had offered a motion to recommit the

2. 117 CONG. REC. 17491-95, 92d Cong. 1st Sess.

3. 119 CONG. REC. 24967, 93d Cong. 1st Sess.

bill H.R. 8860, to amend and extend the Agricultural Act of 1970, to the Committee on Agriculture. After five minutes of debate, the Speaker, Carl Albert, of Oklahoma, addressed William R. Poage, of Texas, Chairman of the Committee on Agriculture:

THE SPEAKER: Does the gentleman from Texas desire to rise in opposition to the motion to recommit?

MR. POAGE: I do, Mr. Speaker. . . .

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, will the distinguished chairman of the committee yield for an amendment to the motion to recommit?

MR. POAGE: Certainly I will yield, but I would like to hear the amendment.

THE SPEAKER: The gentleman is not in order. The gentleman from California (Mr. Teague) has control of the motion to recommit and can yield for that purpose if he desires to do so.

The gentleman from Texas now has the floor.

MR. POAGE: Mr. Speaker, I will not yield for a pig in a poke. I want to know what the gentleman is proposing.

THE SPEAKER: The gentleman cannot yield for that purpose. The gentleman from California (Mr. Teague) can yield for that purpose. . . .

The time of the gentleman from Texas has expired.

Debate on Recommittal of Simple Resolution

§ 30.5 The provisions of Rule XVI clause 4, which make in order 10 minutes of debate

on a motion to recommit with instructions, after the previous question has been ordered on a measure, apply only to bills and joint resolutions; debate is not in order on a motion under Rule XVII clause 1, to recommit a simple resolution with instructions after the previous question has been ordered.

On Nov. 15, 1973,⁽⁴⁾ the House was considering House Resolution 702, providing additional funds for investigations by the Committee on the Judiciary. After the previous question was ordered on the resolution, Mr. William L. Dickinson, of Alabama, was recognized:

MR. DICKINSON: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:⁽⁵⁾ Is the gentleman opposed to the resolution?

MR. DICKINSON: I am, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.

After the Clerk read the motion to recommit, the Speaker stated:

Without objection, the previous question is ordered on the motion to recommit.

MR. DICKINSON: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

4. 119 CONG. REC. 37150, 93d Cong. 1st Sess.

5. Carl Albert (Okla.).

MR. DICKINSON: Mr. Speaker, am I not entitled to five minutes as the member offering this motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

MR. DICKINSON: Mr. Speaker, is that also true when there are instructions in the motion to recommit?

THE SPEAKER: The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

Motion to Recommit Conference Report With Instructions

§ 30.6 When the previous question on agreeing to a conference report has been ordered, a motion to recommit is not debatable.

On Sept. 27 (a continuation of the legislative day of Sept. 25), 1961,⁽⁶⁾ the House had just ordered the previous question on the conference report on H.R. 9169, providing supplemental appropriations for fiscal 1962. Mr. Silvio O. Conte, of Massachusetts, was recognized and offered a motion to recommit the conference report with instructions that the House conferees insist on their disagree-

6. 107 CONG. REC. 21524, 87th Cong. 1st Sess.

ment to a particular Senate amendment. After the Clerk reported the motion the following occurred:

MR. CONTE: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁷⁾ The gentleman will state it.

MR. CONTE: Is the motion debatable?

THE SPEAKER PRO TEMPORE: It is not debatable.

§ 31. As Related to Other Motions; Precedence

Previous Question

§ 31.1 The motion for the previous question on a motion to recommit takes precedence over an amendment to the motion to recommit.

On Aug. 11, 1969,⁽⁸⁾ the House was considering H.R. 12982, the District of Columbia Revenue Act of 1969. After Mr. Alvin E. O'Konski, of Wisconsin, offered a motion to recommit the bill, Mr. Brock Adams, of Washington, was recognized:

MR. ADAMS: Mr. Speaker, I have an amendment to the motion to recommit.

MR. [JOHN L.] McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question on the the motion to recommit.

7. John W. McCormack (Mass.).

8. 115 CONG. REC. 23143, 91st Cong. 1st Sess.

THE SPEAKER:⁽⁹⁾ The question is on ordering the previous question on the motion to recommit.⁽¹⁰⁾

Motion to Recommit With Instructions and "Straight" Motions

§ 31.2 A motion to recommit with instructions does not take precedence over a straight motion to recommit, both motions being on an equal footing

On Mar. 29, 1954,⁽¹¹⁾ the House was considering House Resolution 468, relating to expenses incurred in conducting investigations authorized by the rules of the House. The Speaker, Joseph W. Martin, Jr., of Massachusetts, then recognized Mr. Augustine B. Kelley, of Pennsylvania:

MR. KELLEY of Pennsylvania: Mr Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the resolution?

MR. KELLEY of Pennsylvania: I am, Mr. Speaker.

MR. (CLARE E.) HOFFMAN of Michigan: Mr. Speaker, I have a motion to recommit with instructions.

THE SPEAKER: The Chair is obliged to say that, by reason of a time-honored custom, the motion to recommit

belongs to the minority party if they claim the privilege, and in this instance they have claimed it. Therefore, the Chair is constrained to recognize the gentleman from Pennsylvania [MR. KELLEY], for that purpose.

MR. HOFFMAN of Michigan: Mr. Speaker, does not a motion to recommit with instructions take precedence over a straight motion to recommit?

THE SPEAKER: It does not. All motions to recommit are on an equal footing.

§ 32. Motions to Recommit With Instructions

Precedence

§ 32.1 The motion to recommit with instructions does not take precedence over a straight motion to recommit.

On Nov. 25, 1970,⁽¹²⁾ the House was considering H.R. 19504, the Federal Aid Highway Act. Both Mr. Frederick Schwengel, of Iowa, and Mr. Joel T. Broyhill, of Virginia, sought to offer motions to recommit. Mr. Brock Adams, of Washington, was then recognized to propound a parliamentary inquiry.

MR. ADAMS: Mr. Speaker, would a specific motion to recommit with instructions have priority over a general motion to recommit? Did the gen-

9. John W. McCormack (Mass.).

10. See also 91 CONG. REC. 2739, 79th Cong. 1st Sess., Mar. 24, 1945.

11. 100 CONG. REC. 3962-67, 83d Cong. 2d Sess.

12. 116 CONG. REC. 38997, 91st Cong. 2d Sess.

tleman from Virginia announce that his motion was a general motion to recommit?

It is my understanding that the motion to recommit by the gentleman from Iowa is a motion to recommit with instructions and, therefore, has priority.

THE SPEAKER:⁽¹³⁾ The Chair will state in response to the parliamentary inquiry that a motion to recommit with instructions does not have priority.

MR. ADAMS: Mr. Speaker, a further parliamentary inquiry.

It is my understanding that under the rules, a motion to recommit with instructions is a motion that, if not described by the word "priority" is entitled to prior recognition by the Chair because a motion with specific instructions is entitled to recognition over a general motion to recommit.

THE SPEAKER: The Chair will state that a motion to recommit with instructions does not have priority over a straight motion to recommit.

Amendment to Motion to Recommit

§ 32.2 A motion to recommit with instructions is subject to amendment if the previous question is voted down.

On Oct. 3, 1969,⁽¹⁴⁾ the House was considering H.R. 14000, the military procurement authorizations for fiscal year 1970. After Mr. Alvin E. O'Konski, of Wis-

13. John W. McCormack (Mass.).

14. 115 CONG. REC. 28487, 28488, 91st Cong. 1st Sess.

consin, moved to recommit the bill to the Committee on Armed Services with certain instructions, Mr. Donald M. Fraser, of Minnesota, rose to his feet:

MR. FRASER: Mr. Speaker, in order to be able to amend the pending motion to recommit, is it necessary that the previous question be voted down?

THE SPEAKER:⁽¹⁵⁾ The Chair will state the answer to the question is "yes."⁽¹⁶⁾

§ 32.3 Parliamentarian's Note: The House may reject the previous question on a straight motion to recommit, and then amend the motion to include instructions to reinsert in the bill any germane amendment, including amendments adopted in the Committee of the Whole but rejected in the House.

§ 32.4 If the previous question is voted down on a motion to recommit, a Member offering an amendment to the motion does not necessarily have to qualify as being opposed to the bill.

On June 26, 1968,⁽¹⁷⁾ the House was considering H.R. 18037, ap-

15. John W. McCormack (Mass.).

16. See also 114 CONG. REC. 12262, 12263, 90th Cong. 2d Sess., May 8, 1968.

17. 114 CONG. REC. 18940, 18941, 90th Cong. 2d Sess.

propriations for Labor and HEW for fiscal 1969. Mr. Robert H. Michel, of Illinois, offered a motion to recommit the bill to the Committee on Appropriations with certain instructions. Mr. Michel then propounded a parliamentary inquiry:

MR. MICHEL: Is it not also true that for one to qualify to amend a motion to recommit, one would also have to be opposed to the bill?

THE SPEAKER:⁽¹⁸⁾ At that stage, should it develop, not necessarily.

§ 32.5 An amendment incorporated in a motion to recommit with instructions must be germane to the bill to which the amendment is proposed.

On June 18, 1957,⁽¹⁹⁾ the House was considering H.R. 6127, to provide the means of further securing and protecting the civil rights of persons within the United States. Mr. Richard H. Poff, of Virginia, offered a motion to recommit the bill to the Committee on the Judiciary with certain instructions, and Mr. Kenneth B. Keating, of New York, rose with a point of order:

MR. KEATING: Mr. Speaker, I make the point of order that the wording of

the motion to recommit is not germane to the bill. We have already debated the germaneness of the wording of this motion in Committee of the Whole. But, I have this additional observation to make, which was not made, as I recall, during the debate, namely, that this proposed amendment is to the act, where as it is inserted as an amendment to a section of the act. It is sought to insert this in part III of the bill only at page 10, line 5, but it purports to be an amendment to the entire act. We had a similar situation presented in the Committee in the consideration of this matter and the Chair ruled in Committee that because the wording was an amendment to the section, but was worded as an amendment to the act, that it was not germane. I urge that if the amendment were to the act, as it purports to be, it would have to be at some other point in the bill and could not be an amendment to the act in the middle of one of the sections of the act.

THE SPEAKER:⁽²⁰⁾ The Chair is ready to rule.

This same question was raised in the Committee of the Whole on the same amendment. The very capable gentleman from Rhode Island [Mr. Forand] Chairman of the Committee of the Whole, overruled the point of order after having heard all the debate. The present occupant of the Chair, having read all of the debate and having heard most of it, reaffirms the decision of the Chairman of the Committee of the Whole in the consideration of the bill and, therefore, overrules the point of order.

§ 32.6 The Speaker indicated that an amendment accom-

18. John W. McCormack (Mass.).

19. 103 CONG. REC. 9516, 9517, 85th Cong. 1st Sess.

20. Sam Rayburn (Tex.).

panying a motion to recommit a bill would have to follow the form of the bill as reflected by the engrossed copy.

On Mar. 22, 1949,⁽¹⁾ the House was considering H.R. 1437, the Army and Air Force Act of 1949. Mr. Carl Vinson, of Georgia, asked unanimous consent that the third reading of the bill be dispensed with, when Mr. Vito Marcantonio, of New York, reserving the right to object, rose with a parliamentary inquiry:

MR. MARCANTONIO: Mr. Speaker, if the pending unanimous-consent request is granted and a motion to recommit is offered with an amendment, does the amendment have to follow the lines of the engrossed copy?

THE SPEAKER:⁽²⁾ It should. Is there objection to the request of the gentleman from Georgia?

There was no objection.

§ 32.7 An amendment in the form of a limitation to an appropriations bill, contained in a motion to recommit with instructions, providing that no funds were to be used for the purchase of certain foreign agricultural products, was held in order under Rule XXI clause 2.

1. 95 CONG. REC. 2936, 81st Cong. 1st Sess.

2. Sam Rayburn (Tex.).

On May 19, 1939,⁽³⁾ the House was considering H.R. 6392, state, justice, judiciary, and commerce appropriations for 1940. Mr. Charles Hawks, Jr., of Wisconsin, offered the following motion to recommit:

Mr. Hawks moves to recommit the bill to the committee with instructions to report it back forthwith with the following amendment: At the end of the bill insert a new paragraph, as follows:

No part of the funds appropriated in this bill shall be used for the purpose of purchasing any foreign dairy or other competitive foreign agricultural products. . . .

MR. THOMAS S. McMILLAN [of South Carolina]: Mr. Speaker, I make a point of order against the motion to recommit.

THE SPEAKER:⁽⁴⁾ The gentleman will state the point of order.

MR. THOMAS S. McMILLAN: Mr. Speaker, I make the point of order that the motion to recommit is not in order in that it is an attempt to place legislation in an appropriation bill.

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, it is a limitation on appropriations.

THE SPEAKER: The Chair is ready to rule on the point of order made by the gentleman from South Carolina.

The point of order has been made that the motion to recommit is not in order because of the fact that it sets up matters of legislation in an appropriation bill. The Chair has tried carefully

3. 84 CONG. REC. 5856, 76th Cong. 1st Sess.

4. William B. Bankhead (Ala.).

to read the provisions of the motion. On a fair reading and construction of the whole motion it appears that there is nothing affirmative in the motion in the way of legislation. It appears to the Chair on the whole to be a restriction or a limitation upon the expenditure of funds.

§ 32.8 A motion to recommit a bill reported by the Committee on House Administration, making unlawful the requirement of the payment of a poll tax, with instructions to report it back in the form of a joint resolution amending the Constitution to accomplish the purpose of the bill was held not germane inasmuch as a constitutional amendment involving the question would lie within the jurisdiction of the Committee on the Judiciary.

On July 26, 1949,⁽⁵⁾ the House was considering H.R. 3199, the antipoll tax bill. After the bill was read for a period of time, Mr. Robert Hale, of Maine, offered a motion to recommit:

The Clerk read as follows:

Mr. Hale moves to recommit the bill H.R. 3199 to the Committee on House Administration with directions that they report the legislation back to the House in the form of a joint resolution amending the Con-

stitution to make illegal payment of poll taxes as a qualification of voting. . . .

MR. [VITO] MARCANTONIO [of New York]: I make the point of order that the language which is carried in the motion to recommit is not germane to the bill. The motion calls for a constitutional amendment.

THE SPEAKER:⁽⁶⁾ The Chair is inclined to agree with the gentleman for the simple reason that a constitutional amendment involving this question would lie within the jurisdiction of the Committee on the Judiciary and not within the Committee on House Administration. The Chair sustains the point of order.

Timeliness of Point of Order

§ 32.9 A point of order that a motion to recommit with instructions is not germane to the bill comes too late after the proponent of the motion has been recognized for five minutes of debate in the House, and has yielded for a parliamentary inquiry.

On June 2, 1971,⁽⁷⁾ the House was considering H.R. 3613, a manpower and revenue-sharing bill. Mr. Marvin L. Esch, of Michigan, offered a motion to recommit the bill to the Committee on Education and Labor with certain instructions, and was recognized for

5. 95 CONG. REC. 10247, 81st Cong. 1st Sess.

6. Sam Rayburn (Tex.).

7. 117 CONG. REC. 17491-95, 92d Cong. 1st Sess.

five minutes of debate thereon. At this point, Mr. James G. O'Hara, of Michigan, interrupted Mr. Esch with a parliamentary inquiry:

MR. O'HARA: Then I would like to inquire of the Speaker, if the fact that an amendment was made in order, a particular amendment otherwise not germane, was made in order under the 5-minute rule, by provisions of the resolution from the Committee on Rules, would that make the same non-germane amendment in order as a motion to recommit with instructions?

THE SPEAKER:⁽⁸⁾ The gentleman from Michigan [Mr. Esch] has been recognized on his motion to recommit with instructions. Any challenge to the motion would now come too late.

The gentleman from Michigan [Mr. Esch] may continue to debate his motion to recommit with instructions.

Instructions to House Committees

§ 32.10 The House may, through use of the motion to recommit, instruct one of its committees to take certain actions.

On Aug. 22, 1966,⁽⁹⁾ the House was considering H.R. 16340, prohibiting picketing within 500 feet of any church in the District of Columbia. Mr. Don Edwards, of

8. Carl Albert (Okla.).

9. 112 CONG. REC. 20119, 89th Cong. 2d Sess.

California, offered a motion to recommit:

THE SPEAKER PRO TEMPORE:⁽¹⁰⁾ The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Edwards of California moves to recommit H.R. 16340 to the District of Columbia Committee with instructions to hold public hearings and to request a report of the Department of Justice and the testimony of the Attorney General.

THE SPEAKER PRO TEMPORE: Without objection, the previous question is ordered.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, I make a point of order against the motion to recommit. We cannot tell a committee who to call as witnesses and what kind of hearings to hold.

THE SPEAKER PRO TEMPORE: The House has authority to instruct the committee. The motion is in order.⁽¹¹⁾

§ 32.11 The House rejected a motion to recommit a resolution of the Committee on Un-American Activities to a select committee with instructions to examine the sufficiency of the contempt citation and report back to the House.

On Oct. 18, 1966,⁽¹²⁾ the House was considering House Resolution

10. Carl Albert (Okla.).

11. See also 116 CONG. REC. 28036, 91st Cong. 2d Sess., Aug. 10, 1970; and 114 CONG. REC. 6270, 6275, 6276, 90th Cong. 2d Sess., Mar. 13, 1968.

12. 112 CONG. REC. 27484, 89th Cong. 2d Sess.

1060, relating to the refusal of Milton M. Cohen to testify before the Committee on Un-American Activities. Mr. Silvio O. Conte, of Massachusetts, offered a motion to recommit.

THE SPEAKER:⁽¹³⁾ The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Conte moves to recommit the resolution of the Committee on Un-American Activities to a select committee of seven Members to be appointed by the Speaker with instructions to examine the sufficiency of the contempt citations under existing rules of law and relevant judicial decisions and thereafter to report it back to the House, while Congress is in session, or, when Congress is not in session, to the Speaker of the House, with a statement of its findings.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit. . . .

The question was taken; and there were—yeas 90, nays 181, not voting 161.⁽¹⁴⁾

Conditional Instructions

§ 32.12 A motion to recommit a bill to the Committee on Public Works, with instructions not to report back to the House until final plans for

13. John W. McCormack (Mass.).

14. See also 112 CONG. REC. 1742–63, 89th Cong. 2d Sess., Feb. 2, 1966; H. Rept. No. 1241 and H. Res. 699, contempt proceedings against Robert M. Shelton of the Ku Klux Klan.

construction became available, was rejected by the House.

On Mar. 5, 1970,⁽¹⁵⁾ the House was considering S. 2910, providing additional authorization for the Madison Memorial building. The Speaker, John W. McCormack, of Massachusetts, recognized Mr. Marion G. Snyder, of Kentucky, to offer a motion to recommit:

The Clerk read as follows:

Mr. Snyder moves to recommit the bill S. 2910 to the Committee on Public Works with the instruction that it not be reported back to the House until all necessary designs, plans, and specifications have been completed. . . .

The question was taken; and there were—yeas 149, nays 197, answered “present” 1, not voting 83.

Rulings as to Propriety of Motion

§ 32.13 Parliamentarian's Note: It is the responsibility of the Speaker, not the Chairman of the Committee of the Whole, to rule upon the propriety of a motion to recommit with instructions.

Raising Points of Order

§ 32.14 Where a motion to recommit with instructions is

15. 116 CONG. REC. 6191, 91st Cong. 2d Sess.

ruled out on a point of order, a further motion to recommit may be offered.

On Mar. 2, 1967,⁽¹⁶⁾ the House was considering H.R. 4515, supplemental military authorizations for fiscal 1967. After Mr. Henry S. Reuss, of Wisconsin, offered a motion to recommit the bill with instructions, Mr. L. Mendel Rivers, of South Carolina, rose with a point of order:

MR. RIVERS: Mr. Speaker, I make the point of order that the instructions contained in the motion to recommit are not germane to the bill under consideration. Therefore, they are not in order and are not germane to the matter under consideration.

THE SPEAKER:⁽¹⁷⁾ The gentleman from South Carolina [Mr. Rivers] makes the point of order that the motion to recommit contains provisions that are not germane to the bill presently under consideration. . . .

THE SPEAKER: The Chair is prepared to rule. . . .

It is evident to the Chair that the amendment—or at least portions thereof—are not germane as they involve different subjects than the field covered by the pending bill.

The Chair sustains the point of order.

The question is on the passage of the bill.

MOTION TO RECOMMIT

MR. [GEORGE E.] BROWN [Jr.] of California: Mr. Speaker, I move to re-

16. 113 CONG. REC. 5155, 5156, 90th Cong. 1st Sess.

17. John W. McCormack (Mass.).

commit the bill H.R. 4515, to the Committee on Armed Services, with instructions to report it back forthwith with an amendment which is at the Clerk's desk.

THE SPEAKER: The Chair will ask if the gentleman is opposed to the bill?

MR. BROWN of California: I am opposed to the bill in its present form, Mr. Speaker.

THE SPEAKER: The Clerk will report the motion to recommit.⁽¹⁸⁾

§ 32.15 A point of order against a motion to recommit with an instruction was made prior to completion of the reading thereof, the same proposition having been ruled out as not germane when offered as an amendment in the Committee of the Whole.

On Mar. 2, 1967,⁽¹⁹⁾ the House was considering H.R. 4515, supplemental military authorizations for fiscal 1967. After Mr. Henry S. Reuss, of Wisconsin, offered a motion to recommit the bill with certain instructions, Mr. L. Mendel Rivers, of South Carolina, interrupted the reading of the motion to make a point of order. Mr. Reuss spoke in defense of his motion.

THE SPEAKER:⁽²⁰⁾ Does the gentleman from Wisconsin [Mr. Reuss] desire to be heard?

18. See also 94 CONG. REC. 5007, 5008, 80th Cong. 2d Sess., Apr. 28, 1948.

19. 113 CONG. REC. 5155, 5156, 90th Cong. 1st Sess.

20. John W. McCormack (Mass.).

MR. REUSS: Mr. Speaker, I shall appreciate proceeding briefly in opposition to the point of order that the amendment is not germane.

Mr. Speaker, the amendment contained in the motion to recommit is precisely the amendment which I offered earlier. It was ruled not germane by the able and respected Chairman of the Committee of the Whole House on the State of the Union, the gentleman from Illinois [Mr. Rostenkowski]. . . .

Mr. Speaker, we find ourselves thus in the position of having two precedents on both sides of the question, which is not an unprecedented matter in the history of precedents. It is a matter analogous to where there is disagreement in the circuit courts of appeals, thus requiring the Supreme Court to rule to resolve the dispute.

Accordingly, I hope and trust that the Speaker will rule that the motion to recommit, and the amendment contained in it, is germane, and thus that this body may vote on this important question of war and peace.

THE SPEAKER: The Chair is prepared to rule. . . .

It is evident to the Chair that the amendment—or at least portions thereof—are not germane as they involve different subjects than the field covered by the pending bill.

The Chair sustains the point of order.

The question is on the passage of the bill.

Instructions to Report Back With Amendment

§ 32.16 The House recommitted a joint resolution to the Com-

mittee on Education and Labor with instructions that the preamble and body be reported back forthwith with an amendment in the nature of a substitute.

On Feb. 9, 1972,⁽¹⁾ the House was considering House Joint Resolution 1025, providing a procedure for settlement of a dispute on the Pacific Coast among certain ship-pers and employees. Mr. Albert H. Quie, of Minnesota, offered the following motion to recommit:

Mr. Quie moves to recommit House Joint Resolution 1025 to the Committee on Education and Labor with instructions to that committee to report it back to the House forthwith with the following amendment: Strike out all after title of the joint resolution and insert in lieu thereof the following: . . .

The motion to recommit then provided an amendment in the nature of a substitute for the joint resolution.

MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

THE SPEAKER:⁽²⁾ The question is on the motion to recommit. . . .

So the motion to recommit was agreed to.

1. 118 CONG. REC. 3451–53, 92d Cong. 2d Sess.
2. Carl Albert (Okla.).

Instructions Modifying Previously Adopted Amendment

§ 32.17 Absent a special rule, a motion to recommit may not include instructions to modify an amendment previously agreed to by the House.

On Apr. 5, 1967,⁽³⁾ the House was considering House Resolution 221, authorizing expenditures by the Committee on Un-American Activities. Mr. John Ashbrook, of Ohio, offered a motion to recommit the resolution with instructions and Mr. Wayne L. Hays, of Ohio, rose with a point of order against the motion.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Ashbrook moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions to report the resolution forthwith with the following amendment: On page 1, line 5, strike out "\$350,000" and insert in lieu thereof "\$400,000."

MR. HAYS: Mr. Speaker—

THE SPEAKER:⁽⁴⁾ For what purpose does the gentleman rise?

MR. HAYS: Mr. Speaker, I make a point of order against the motion to recommit on the grounds that the House has just adopted the committee amendment to cut the amount from \$400,000

to \$350,000. The gentleman now offers a motion to recommit to restore it from the \$350,000 to \$400,000 and it is clearly out of order.

THE SPEAKER: Does the gentleman from Ohio [Mr. Ashbrook] desire to be heard?

MR. ASHBROOK: Yes, Mr. Speaker.

Mr. Speaker, it appears to me that we voted to order the previous question on the amendments and the motion to recommit, in my opinion, would be a proper motion to recommit. I hope that the Chair will so hold.

THE SPEAKER: The Chair will call attention to that fact that the previous question was ordered and the amendments were adopted by the House.

It is not in order to do indirectly by a motion to recommit with instructions that which may not be done directly by way of amendment.

An amendment to strike out an amendment already adopted is not in order. The subject matter of the motion to recommit has already been passed upon by the House.

The Chair sustains the point of order.⁽⁵⁾

§ 32.18 A motion to recommit an appropriation bill to a committee with instructions to reduce the amount of the appropriation by a certain amount is in order, but, absent a special rule, the com-

3. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

4. John W. McCormack (Mass.).

5. See also 111 CONG. REC. 2914, 2917, 89th Cong. 1st Sess., Feb. 17, 1965; 103 CONG. REC. 12471, 85th Cong. 1st Sess., July 23, 1957; and 95 CONG. REC. 5597, 81st Cong. 1st Sess., May 4, 1949.

mittee may not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

On May 15, 1939,⁽⁶⁾ the House was considering H.R. 6260, providing appropriations for certain civil functions administration by the War Department. Speaker William B. Bankhead, of Alabama, recognized Mr. D. Lane Powers, of New Jersey, to offer a motion to recommit.

Mr. Powers moves to recommit the bill to the Committee of Appropriations with instructions to report the same back forthwith with amendments reducing the total amount of the bill \$50,000,000.

MR. [ROSS A.] COLLINS [of Mississippi]: Mr. Speaker, I make the point of order that the motion to recommit undertakes to do indirectly what cannot be done directly.

The amount carried in this bill, with these amendments, totals \$305,000,000. Part of it is for the Panama Canal, part for cemeterial expense, part for the Signal Corps and Alaskan Communications Commission, part for rivers and harbors, part for flood control, and part for the United States Soldiers' Home. Of the amount of \$305,000,000, \$277,000,000 is for rivers and harbors and flood control, leaving only \$28,000,000 for all of these other governmental activities. A reduction of \$50,000,000 would take

away a large part of the money carried in the two amendments voted in the House last Wednesday. A motion to recommit to do this cannot be done. This motion to recommit attempts to do indirectly what cannot be done directly. It proposes a second vote on the same propositions that were voted on last Wednesday; therefore is subject to a point of order.

THE SPEAKER: The Chair may state, in connection with the point of order made by the gentleman from Mississippi, that the Chair understands the purpose of the motion to recommit, one motion to recommit always being in order after the third reading, is to give those Members opposed to the bill an opportunity to have an expression of opinion by the House upon their proposition. It is true that under the precedents it is not in order by way of a motion to recommit to propose an amendment to an amendment previously adopted by the House, but the motion now pending does not specifically propose to instruct the Committee on Appropriations to do that. The Chair is inclined to the opinion that the motion to recommit in the form here presented is not subject to a point of order.

The Chair overrules the point of order. . . .

The Chair understands the rule to be that the House can adopt a motion to recommit with instructions to reduce the amount of the appropriation by \$50,000,000, but the committee, if this motion should be adopted, could not report the bill back to the House with an amendment proposing a change in the amendments adopted by the House.

Parliamentarian's Note: Pursuant to such instructions, the Com-

6. 84 CONG. REC. 5535, 5536, 76th Cong. 1st Sess.

mittee on Appropriations would not necessarily be forced to recommend specific reductions in line item appropriations, but could report an amendment directing an overall reduction of funds in the bill in some manner.

§ 32.19 Where a special rule permitted two motions to recommit and made such motions in order “any rule of the House to the contrary notwithstanding,” it was held that instructions in a motion to recommit might propose the striking out of an amendment previously agreed to by the House.

On Mar. 22, 1935,⁽⁷⁾ the House was considering H.R. 3896, relating to the payment of adjusted service certificates from World War I. Mr. Fred M. Vinson, of Kentucky, was recognized to offer a motion to recommit the bill with instructions.

MR. VINSON of Kentucky: Mr. Speaker, I move to recommit the bill (H.R. 3896) to the Committee on Ways and Means with instructions to report the same back forthwith with the following amendment: Strike out all after the enacting clause in the said bill and insert the following amendment, which I send to the Clerk's desk.

After the Clerk reported the motion to recommit, Mr. Thomas

L. Blanton, of Texas, raised a point of order against the motion.

MR. BLANTON: Mr. Speaker, for the purpose only of getting a ruling from the Chair on the existing parliamentary situation, which is novel in that there has never been a precedent like it before in the whole history of this House, I make the point of order that even though the rule provides for two motions to recommit, they are under and governed by the general rules of the House except insofar as the special rule itself changes the general rules. The rules and precedents of the House provide that where a matter has been voted upon and adopted, not only in the Committee of the Whole House on the state of the Union but also in the House itself after the bill comes back from the Committee of the Whole House on the state of the Union to the House, and the House votes on such substantive proposition in the bill and registers its decision on that proposition, and motion is duly made and carried to reconsider the vote by which the proposition was passed and to lay that motion on the table, you cannot have two votes thereafter in the House on the same identical proposition that has been voted upon once in the House. . . .

THE SPEAKER:⁽⁸⁾ The Chair is ready to rule. The pending bill is being considered under a special rule which was unanimously adopted by the House before the bill was taken up for consideration.

It is true, as the gentleman from Texas suggests, that under the ordinary rules of the House only one mo-

7. 79 CONG. REC. 4309-11, 74th Cong. 1st Sess.

8. Joseph W. Byrns (Tenn.).

tion to recommit would be in order. However, the Committee on Rules, after a very long and thorough consideration of the question before the House, and after what the Chair understands to be a general understanding among those for and against either one of the bills, decided in the interest of fairness to propose a rule which permitted two motions to recommit.

While it has no bearing upon the ruling of the Chair, the Chair feels that every Member of the House, without regard to his position on this or any other bill pending, understood at the time the rule was proposed by the Committee on Rules, that it would enable the House to express its will with reference to these two bills. The rule was adopted unanimously, and it provided, 'That if the instructions in such motion relate to the payment of World War adjusted-service certificates, they shall be in order, any rule of the House to the contrary notwithstanding.'

Now, in view of the action of the House in adopting the rule, the Chair thinks, notwithstanding the fact that a vote was taken yesterday on the so-called "Patman bill" and a motion to reconsider laid on the table, it is in order to recognize a Member to offer the Vinson bill in a motion to recommit, even though it may involve a vote for the second time on the Patman bill.

The Chair therefore overrules the point of order.

§ 32.20 Where the House has adopted an amendment in the nature of a substitute, such amendment cannot be further amended by way of a

motion to recommit with instructions, absent a special rule, and only a straight motion to recommit would be in order.

On June 17, 1952,⁽⁹⁾ the House was considering S. 658, to amend the Communications Act of 1934. Mr. Charles A. Halleck, of Indiana, rose with a parliamentary inquiry:

MR. HALLECK: In view of the fact that the matter before us is a committee amendment, a complete amendment to the whole bill, would any motion to recommit, except a straight motion to recommit, be in order?

THE SPEAKER:⁽¹⁰⁾ That is the only motion that would be in order under the rule.⁽¹¹⁾

§ 32.21 Where the rule under which a bill is being considered provides for "a motion to recommit with or without instructions," the motion to recommit may contain instructions to report back forthwith with amendments notwithstanding the fact that the House has just agreed to an amendment in the nature

9. 98 CONG. REC. 7421, 82d Cong. 2d Sess.

10. Sam Rayburn (Tex.).

11. See also 106 CONG. REC. 9416, 9417, 86th Cong. 2d Sess., May 4, 1960; and 103 CONG. REC. 12471, 85th Cong. 1st Sess., July 23, 1957.

of a substitute reported from the Committee of the Whole.

On Sept. 29, 1965⁽¹²⁾ the Committee of the Whole having considered the bill H.R. 4644, providing home rule for the District of Columbia, reported the bill back to the House with an amendment in the nature of a substitute adopted in the Committee of the Whole.

THE SPEAKER:⁽¹³⁾ Under the rule, the previous question is ordered.

The question is on the amendment.

. . .

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, just to get this matter clarified, as I understand the rule, if the Sisk amendment is defeated on the rollcall which is approaching, then we go back to the original first Multer bill, the bill for which the discharge petition was signed. That is the original first bill and there cannot be any vote on any compromise bill. The original Multer bill will then not be subject to further amendment or to any amendment.⁽¹⁴⁾

12. 111 CONG. REC. 25438, 25439, 89th Cong. 1st Sess.

13. John W. McCormack (Mass.).

14. Although Mr. Smith stated that he was seeking to clarify the matter, his statement reflected some confusion on his part. The impending vote was on the Multer substitute as amended by the Sisk substitute amendment, both of which had been adopted by the Committee of the Whole. Mr. Smith was correct in stating that if the Multer substitute as amended by

THE SPEAKER: It would not be because the previous question has been ordered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, may I make this parliamentary inquiry?

THE SPEAKER: The gentleman will state it.

MR. ALBERT: Is not what the distinguished gentleman from Virginia said subject to the right of the minority to offer a motion to recommit containing appropriate amendments with or without instructions?

THE SPEAKER: The rule provides for one motion to recommit.

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HAYS: That one motion to recommit, depending on who decides to offer it, may be a straight motion to recommit without any instructions, may it not?

THE SPEAKER: It could be.

MR. HAYS: A further parliamentary inquiry, Mr. Speaker. Then the House would be faced with voting for or against the original bill Mr. Multer himself abandoned. Is that not true?

THE SPEAKER: The Chair feels that the gentleman from Ohio answered his own question.

Instruction With Previously Rejected Amendment

§ 32.22 An amendment rejected in the Committee of the

the Sisk substitute amendment was defeated, the proposition then before the House would have been H.R. 4644. H.R. 4644 was considered pursuant to H. Res. 515, which had been taken from the Committee on Rules on a discharge petition.

Whole may be offered in the House in a motion to recommit with instructions.

On July 8, 1940,⁽¹⁵⁾ the House was considering S. 326, the Mexican claims bill. Mr. Hamilton Fish, Jr., of New York, offered a motion to recommit, and Mr. Luther A. Johnson, of Texas, rose with a point of order:

MR. LUTHER A. JOHNSON: Mr. Speaker, I make a point of order.

THE SPEAKER:⁽¹⁶⁾ The gentleman will state it.

MR. LUTHER A. JOHNSON: An identical amendment was voted upon in Committee of the Whole, offered by the gentleman from Pennsylvania [Mr. Rich].

THE SPEAKER: That was an amendment which was offered in Committee of the Whole, the Chair will state. The House takes no judicial notice of action in Committee of the Whole or the rejection of an amendment in the Committee. The point of order is overruled.⁽¹⁷⁾

Instructions to Report Back "Forthwith"

§ 32.23 Instructions to report back "forthwith" accompanying a motion to recommit

15. 86 CONG. REC. 9302, 9303, 76th Cong. 3d Sess.

16. William B. Bankhead (Ala.).

17. See also 114 CONG. REC. 10126-30, 90th Cong. 2d Sess., Apr. 22, 1968; and 93 CONG. REC. 10445, 80th Cong. 1st Sess., July 26, 1947.

mit must be complied with immediately, and while the committee to which a bill is recommitted with instructions to report "forthwith" takes no action thereon, the Member in charge of the bill immediately reports the bill to the House as instructed, and the amendment is before the House for immediate consideration.

On Apr. 24, 1950,⁽¹⁸⁾ after the engrossment and third reading of (H.R. 5965) providing for the construction of certain Veterans' Administration hospitals the House adopted a motion to recommit the bill to the Committee on Veterans' Affairs with instructions to report the bill back forthwith with an amendment.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, pursuant to the motion just adopted, I report the bill back with the amendment and move the previous question.

The previous question was ordered.

THE SPEAKER:⁽¹⁾ The Clerk will report the amendment.

After the Clerk read the amendment the Speaker announced that the question was on the amendment. Mr. James W. Wadsworth, of New York, then rose with the following parliamentary inquiry.

18. 96 CONG. REC. 5620, 81st Cong. 2d Sess.

1. Sam Rayburn (Tex.).

MR. WADSWORTH: Mr. Speaker, is it possible that such a motion can be made by the gentleman from Mississippi in view of the fact that the committee has had no meeting?

THE SPEAKER: This is a forthwith motion. The question is on the amendment.⁽²⁾

§ 32.24 Where a motion to recommit with instructions to report back “forthwith” with an amendment has been agreed to, and the bill and amendment have again been reported to the House, the question recurs upon agreeing to the amendment, and if the amendment is agreed to, the bill is again ordered engrossed and read a third time.

On Sept. 30, 1965,⁽³⁾ Mr. James T. Broyhill, of North Carolina, had offered a motion to recommit the bill H.R. 10281, the Federal Salary Adjustment Act of 1965. After the Speaker, John W. McCormack, of Massachusetts, put the question on the motion to recommit the following took place:

The question was taken; and there were—yeas 238, nays 140, answered “present” 1, not voting 53. . . .

2. See also 107 CONG. REC. 19208, 87th Cong. 1st Sess., Sept. 13, 1961; and 105 CONG. REC. 8635, 8636, 86th Cong. 1st Sess., May 20, 1959.
3. 111 CONG. REC. 25701, 25702, 89th Cong. 1st Sess.

The result of the vote was announced as above recorded.

MR. [JAMES H.] MORRISON [of Louisiana]: Mr. Speaker, pursuant to the instructions of the House on the motion to recommit I report back the bill, H.R. 10281, with an amendment.

The Clerk read as follows:

On page 38, strike out line 9 and all that follows through line 5 on page 39.

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

THE SPEAKER: The question is on passage of the bill.⁽⁴⁾

§ 32.25 A motion to recommit a bill to a committee with instructions to amend it and report the bill back to the House “as thus amended” was construed to mean “not forthwith,” and the bill when reported back to the House was not given a privileged status.

On May 18, 1938,⁽⁵⁾ the House was considering H.R. 9738, to cre-

4. See also 111 CONG. REC. 1194, 1195, 89th Cong. 1st Sess., Jan. 26, 1965; 108 CONG. REC. 21897, 21898, 87th Cong. 2d Sess., Oct. 3, 1962; and 89 CONG. REC. 3948, 3956, 3957, 78th Cong. 1st Sess., May 4, 1943.
5. 83 CONG. REC. 7103, 75th Cong. 3d Sess.

ate a Civil Aeronautics Authority. Mr. Carl E. Mapes, of Michigan, was recognized to offer a motion to recommit, and the following occurred:

The Clerk read as follows:

Mr. Mapes moves to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to that committee to amend the bill so as to provide for the regulation of civil aeronautics by the Interstate Commerce Commission instead of by the Civil Aeronautics Authority provided in the bill, and to report the same back to the House as thus amended. . . .

MR. [GERALD J.] BOILEAU [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁶⁾ The gentleman will state it.

MR. BOILEAU: The gentleman from Michigan has offered a motion to recommit which is not in the usual form of a motion to recommit, which provides that the committee shall report the bill back forthwith with the following amendments. It is a direction to the committee to amend the bill in accordance with the instructions in the motion to recommit and to report the bill back to the House. Obviously the motion to recommit, if carried, will necessitate considerable work on the part of the Committee on Interstate and Foreign Commerce. My parliamentary inquiry is, after the Committee on Interstate and Foreign Commerce makes the necessary changes as directed in the motion to recommit—assuming, of course, that the motion

should prevail—would the bill then come back to the House automatically without action on the part of the Committee on Rules? In other words, would the bill amended in accordance with the instructions in the motion to recommit come back to the House as a matter of privilege?

THE SPEAKER: In answer to the parliamentary inquiry of the gentleman from Wisconsin, the Chair will state that the bill would be reported back to the House as it was in the first instance before the consideration of the bill was begun.

MR. BOILEAU: Assuming the motion to recommit prevails and the Committee on Interstate and Foreign Commerce is directed to make certain amendments, would not the committee then be forced to bring the bill back to the House as amended, and in that instance would it be a matter of privilege, or would the Committee on Rules be required to present a rule to make consideration of the bill in order?

THE SPEAKER: This is a rather unusual form in which to prepare a motion to recommit. However, the Chair will have to construe the motion as it is presented in the light of the parliamentary inquiry of the gentleman from Wisconsin.

The motion provides that the committee shall amend the bill so as to provide, and so forth. If the motion to recommit should prevail, of course, under the terms of the motion the bill would be recommitted to the Committee on Interstate and Foreign Commerce for the purpose of undertaking to carry out the instructions. The Chair is not of the opinion that thereafter the bill would have a privileged status before the House.

6. William B. Bankhead (Ala.).

§ 32.26 Where a motion to recommit a bill with instructions that it be reported back forthwith with an amendment has been agreed to, a motion to strike out the enacting clause of the bill is not in order pending the report of the committee pursuant to the instructions.

On Apr. 16, 1970,⁽⁷⁾ the House adopted a motion to recommit the bill H.R. 16311, the Family Assistance Act of 1970, to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with several amendments. Immediately after the vote was announced on the motion to recommit, Mr. Wayne L. Hays, of Ohio, was recognized:

MR. HAYS: Mr. Speaker, I have a preferential motion.

THE SPEAKER:⁽⁸⁾ Will the gentleman state his motion?

MR. HAYS: I move that the enacting clause be stricken out.

THE SPEAKER: The Chair will state that that motion is not in order. The Chair passed on it awhile ago. That motion is not in order.⁽⁹⁾

7. 114 CONG. REC. 12093, 12106, 91st Cong. 2d Sess.

8. John W. McCormack (Mass.).

9. *Parliamentarian's Note*: The previous question had been ordered on the bill and amendments to final passage without intervening motion except one motion to recommit.

§ 32.27 The House voted to recommit a bill to a committee with instructions to report back forthwith with an amendment and then rejected the amendment when so reported.

On Feb. 4, 1940,⁽¹⁰⁾ the House was considering H.R. 7551, relating to certain payments to the San Carlos Apache Indians. The House adopted a motion offered by Mr. Jesse P. Wolcott, of Michigan, to recommit the bill to the Committee on Indian Affairs with instructions to report it back forthwith with an amendment.

MR. [WILL] ROGERS of Oklahoma: Mr. Speaker, pursuant to the instructions of the House, I refer the bill back to the House with an amendment.

The Clerk read as follows:

Page 2, line 6, strike out all the remainder of the paragraph after the word "Indians."

THE SPEAKER PRO TEMPORE:⁽¹¹⁾ The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. Schafer of Wisconsin) there were—ayes 11, noes 14.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

10. 86 Cong. Rec. 1456–58, 76th Cong. 3d Sess.

11. Sam Rayburn (Tex.).

MR. COCHRAN: Is that the amendment offered by the gentleman from Michigan [Mr. Wolcott] just adopted by a roll-call vote?

THE SPEAKER PRO TEMPORE: The gentleman is correct. It was included in the motion to recommit. The House voted on the amendment provided for in the motion to recommit, and there were—ayes 11, noes 14.

MR. [JOHN C.] SCHAFER of Wisconsin: Mr. Speaker, I demand the regular order.

The amendment was rejected.

§ 32.28 The House having voted to recommit a bill to a committee with instructions to report back forthwith with an amendment agreed to the amendment when so reported, but then defeated the bill on a yea and nay vote.

On June 30, 1941,⁽¹²⁾ the House was considering H.R. 4228, a wiretapping bill. After the House adopted a motion to recommit the bill to the Committee on the Judiciary with instructions to report it back forthwith with an amendment, the following occurred:

MR. [SAM] HOBBS [of Alabama]: Mr. Speaker, in obedience to the instruction of the House we report the bill back as amended in accordance with the order of the House.

THE SPEAKER:⁽¹³⁾ The Clerk will report the amendment.

12. 87 Cong. Rec. 5793, 77th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

After the Clerk reported the amendment the following occurred:

THE SPEAKER: The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill. . . .

The question was taken; and there were—yeas 147, nays 154, answered “present” 1, not voting 130, as follows: . . .

Recommittal of Conference Report With Instructions

§ 32.29 On a motion to recommit a conference report with instructions, it is not in order to demand a separate vote on the instructions or various branches thereof.

On Apr. 11, 1956,⁽¹⁴⁾ the House was considering the conference report on H.R. 12, to amend the Agricultural Act of 1949. After Mr. Joseph W. Martin, Jr., of Massachusetts, offered a motion to recommit the conference report with various instructions, Mr. Arthur L. Miller, of Nebraska, rose with a parliamentary inquiry:

MR. MILLER OF NEBRASKA: Since the motion to recommit applies to several

14. 102 Cong. Rec. 6157, 84th Cong. 2d Sess.

titles and sections of the bill, is it possible under the rules of the House to get a separate vote on the various amendments that seek to strike certain matter from the bill?

The Speaker:⁽¹⁵⁾ A motion to recommit is not subject to division.

§ 32.30 A motion to recommit a conference report to the committee of conference with instructions to do something which the House itself does not have the power to do (to amend its own bill after its passage) is not in order.

On Aug. 25, 1950,⁽¹⁶⁾ the House was considering the conference report on H.R. 7786, an appropriations bill. Mr. Vito Marcantonio, of New York, offered the following motion to recommit the conference report:

Mr. Marcantonio moves to recommit the conference report on H.R. 7786 to the committee of conference with instructions to the managers on the part of the House to incorporate in the conference report the following provisions: At the end of chapter XI, titled "General Provisions," add the following:

"None of the funds appropriated in this act shall be paid to any person, firm, partnership, or corporation which refuses equality in employment to any person because of race, color, or creed."

15. Sam Rayburn (Tex.).

16. 96 Cong. Rec. 13476, 81st Cong. 2d Sess.

Mr. Clarence Cannon, of Missouri, rose with a point of order:

MR. CANNON: Mr. Speaker, the motion is not in order for two reasons: In the first place, the proposed instructions to the House managers incorporated in the motion propose action which is not within their province, they direct the managers on the part of the House to change the conference report, an action which can be taken only with the concurrence of the managers on the part of the Senate.

The second point is that the provision which the gentleman from New York seeks to add to the conference report does not appear in either the House bill or the Senate bill. It is therefore not in conference. It is not in difference between the two Houses. For either reason, the motion to recommit is not in order.

THE SPEAKER:⁽¹⁷⁾ The Chair is ready to rule. Without passing on the first point raised by the gentleman from Missouri, the Chair will rule on the second point made by the gentleman from Missouri. The point of order is that this matter was not incorporated in the bill when it passed the House, nor was it in the bill as it passed the other body. The motion to recommit calls upon the committee of conference to do something which the House itself does not have the power to do, namely to amend its own bill after its passage. This matter, not being in either the House version or the Senate version of the bill, the Chair holds that the point or order is well taken and sustains the point of order.

§ 32.31 A motion to recommit a conference report with in-

17. Sam Rayburn (Tex.).

structions to the House managers to report back an amendment which would include the provisions of the bill as reported by the House committee, rather than as passed by the House with changes, was held not in order as being beyond the scope of the Senate and House passed versions.

On May 9, 1955,⁽¹⁸⁾ the House was considering the conference report on S. 1, the Coastal Field Service Compensation Act of 1955. Mr. Edward H. Rees, of Kansas, offered a motion to recommit and the following occurred:

Mr. Rees of Kansas moves to recommit the bill S. 1 as amended to the committee of conference with instructions to report back an agreement which would include the provisions of H.R. 4644 as reported by the House Post Office and Civil Service Committee, with the additional provision that the 6-percent increase be retroactive to March 1, 1955.

MR. [THOMAS J.] MURRAY OF TENNESSEE: Mr. Speaker, I make a point of order against the motion to recommit. As I understand, the motion instructs the conferees to do something less than the House voted. We are bound to follow the instructions of the House in the conference. That matter is not even in conference.

THE SPEAKER:⁽¹⁹⁾ The Chair is ready to rule. The Chair thinks that this

question has been passed upon many times in the past. An exactly similar question was raised on September 15, 1922, when a very distinguished gentleman by the name of John N. Garner made a similar motion to recommit with instructions to the conferees to lower the rates contained in either the bill or in the amendment. Mr. Edward Taylor, of the State of Colorado, made the point of order. Speaker Gillette sustained the point of order, and that decision may be found in Cannon's Precedents, volume VIII, section 3244. It is exactly on all fours with this. Therefore, the Chair sustains the point of order.

Senate Practice

§ 32.32 Where the Senate re-commits a bill to the committee which reported it such action nullifies all amendments agreed to on the floor; the committee has the entire matter before it again and may report it back with or without former committee amendments and amendments agreed to by the Senate, unless the motion to recommit contains specific instructions as to how the bill should be reported.

On May 11, 1949,⁽²⁰⁾ the Senate was considering H.R. 3083, Treasury and Post Office appropriations for 1950. The following discussion

18. 101 Cong. Rec. 5871, 84th Cong. 1st Sess.

19. Sam Rayburn (Tex.).

20. 95 Cong. Rec. 6039, 81st Cong. 1st Sess.

took place on the effect of the motion to recommit:

THE VICE PRESIDENT:⁽²¹⁾ The Chair will advise Senators that when a bill is recommitted to the committee from which it emanates, such action nullifies all amendments that have been agreed to on the floor of the Senate, and the bill goes back to the committee—if it happens to be a House bill—in the same shape in which it came to the Senate from the House, regardless of the intention of any Senator.

MR. [ROBERT A.] TAFT [of Ohio]: Mr. President, a parliamentary inquiry.

THE VICE PRESIDENT: The Senator will state it.

MR. TAFT: Is it not true that the committee, complying with the intention of the Senate, as indicated by the motion, can report the bill back adopting or recommending as committee amendments, amendments which it formerly recommended, and also amendments which the Senate itself had specifically approved?

THE VICE PRESIDENT: The committee might do that; but the committee would have to act upon the amendments in committee as if no action had previously been taken.

MR. [CLAUDE D.] PEPPER [of Florida]: Mr. President, a parliamentary inquiry. . . .

The Senator from New Hampshire has today reaffirmed the same principle. I am raising the parliamentary question, Is not the Senate the superior body, which has control of the action of its committees? If the intention of the Senate is clear, could there be

any parliamentary result to the contrary?

THE VICE PRESIDENT: The Senate can instruct its committees as it sees fit. It may make an exception of any amendment which has been agreed to on the floor. However, if it does not make an exception of any amendment agreed to on the floor, the parliamentary effect of recommitment is to nullify all amendments agreed to on the floor. In the recommitment of the bill the other day no exception was made of any amendment. The committee has a perfect right to act upon its own judgment; but in the opinion of the Chair, there is no automatic exception with regard to any amendment agreed to in the Senate prior to recommitment of the bill.

§ 32.33 The Senate recommitted a House bill to its Committee on Commerce with instructions to report it back forthwith in an amended form combining the provisions of both the House bill and a related Senate measure.

On Feb. 20, 1970,⁽¹⁾ the Senate was considering H.R. 14465, relating to the expansion and improvement of airport and airway systems when Senator Warren G. Magnuson, of Washington, was recognized to offer a motion to recommit:

MR. MAGNUSON: Mr. President, I ask unanimous consent that H.R. 14465, to provide for expansion and improve-

21. Alben W. Barkley (Ky.).

1. 116 CONG. REC. 4327, 91st Cong. 2d Sess.

ment of the Nation's airport and airway systems, be recommitted to the Committee on Commerce with instructions to report back forthwith a bill which combines the provisions of S. 3108, to provide for additional Federal assistance for the improvement of the airway system, plus the provisions of H.R. 14465, as both were originally reported to the Senate from the Committee on Finance. The bill has two

parts and one part had to go to the Committee on Finance.

THE PRESIDING OFFICER:⁽²⁾ Without objection, it is so ordered.

MR. MAGNUSON: This procedure is followed to permit the bill to be printed in the form in which it will be considered, I believe, early next week. This is one of the most important pieces of legislation we will consider this session.

F. MOTIONS TO RECONSIDER

§ 33. In General

The motion to reconsider is provided for by House rule.⁽³⁾ It is the procedural device which permits the House to review its actions on a given proposition. Indeed, it has been said that the vote of the House on a proposition "is not final and conclusive upon the House itself until there has been an opportunity to reconsider it,"⁽⁴⁾

and that ". . . neither a bill nor an amendment is passed or adopted until the motion to reconsider is disposed of. The Speaker is not allowed to sign a bill during the pendency of a motion to reconsider. . . ." ⁽⁵⁾ While pending, the motion serves to suspend the original proposition.⁽⁶⁾ When the motion is agreed to, the question immediately recurs on the proposition to be reconsidered.⁽⁷⁾

2. Robert C. Byrd (W. Va.).

3. "When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any Member may call it up for consideration: *Provided*, That such motion, if made during

the last six days of a session, shall be disposed of when made." Rule XVIII clause 1, *House Rules and Manual* §812 (1981).

4. Speaker John G. Carlisle (Ky.), Jan. 31, 1889, cited in *Cannon's Procedure* (86th Cong.), p. 319.

5. Speaker Thomas B. Reed (Maine), Feb. 19, 1898, 31 CONG. REC. 1944, 55th Cong. 2d Sess.

6. 5 Hinds' Precedents §5704.

7. 5 Hinds' Precedents §5703.

The motion is privileged for consideration,⁽⁸⁾ but if it relates to business which is in order only on certain days, it may be called up for consideration only when that class of business is in order.⁽⁹⁾

Rule XVIII clause 1⁽¹⁰⁾ provides that the motion to reconsider may be entered by any Member who voted with the majority on a particular question, and then may be called up for consideration by any Member. “Majority” has been construed as meaning the prevailing side, as it has applied to those Members voting “nay” on a proposition defeated by a tie vote,⁽¹¹⁾ and to those Members, though a minority, whose votes defeated a proposition that required a two-thirds vote for approval.⁽¹²⁾ However, when a vote is taken viva voce, or by division or tellers, and not recorded, any Member, regardless of how he voted, may enter the motion.⁽¹³⁾

Ordinarily, the motion is debatable only if the proposition sought to be reconsidered was debatable.⁽¹⁴⁾ Recent precedent suggests

that debate on the motion is in order only if the previous question has not been ordered.⁽¹⁵⁾ Early precedents held that a vote on a proposition divested it of the previous question, so that a motion to reconsider the proposition would be debatable.⁽¹⁶⁾

In general, the motion to reconsider cannot be agreed to in the House in the absence of a quorum when the vote to be reconsidered required a quorum.⁽¹⁷⁾

The motion to reconsider occurs most frequently in conjunction with the motion to lay on the table. In most instances, the motion to reconsider is followed immediately by a motion to table the motion to reconsider, although quite frequently a unanimous-consent request is the method by which the motion to reconsider is laid on the table.⁽¹⁸⁾

A unanimous-consent request may be in order to vacate proceedings wherein the motion to reconsider has been laid on the table,⁽¹⁹⁾ and on at least one occasion a unanimous-consent request to vacate the proceedings has

8. 8 Cannon's Precedents § 2787.

9. 5 Hinds' Precedents §§ 5677–5681; 8 Cannon's Precedents §§ 2785, 2796.

10. *House Rules and Manual* § 812 (1981).

11. See § 35.2, *infra*.

12. 12. See 5 Hinds' Precedents §§ 5617, 5618.

13. 13. See § 35.3, *infra*.

14. Hinds' Precedents Sec. 5694–5699; 8 Cannon's Precedents §§ 2437, 2792.

15. See § 41, *infra*.

16. See 5 Hinds' Precedents Sec. 5491, 5492, 5494.

17. *House Rules and Manual* § 812 (1981). Compare § 37.1, *infra*.

been permitted in lieu of the motion to reconsider in the Committee of the Whole which is not in order.⁽¹⁾

The motion to reconsider is in order on measures that have passed both Houses⁽²⁾ and on measures sent to the Senate or the President.⁽³⁾ It is in order on a vote ordering the yeas and nays⁽⁴⁾ (but if the House votes by a majority to reconsider the calling of the yeas and nays, they may again be ordered by one-fifth of the Members),⁽⁵⁾ and on a vote refusing the yeas and nays.⁽⁶⁾

Reconsideration is also in order on an affirmative vote to lay on the table⁽⁷⁾ and on a negative vote to lay on the table.⁽⁸⁾ However, it is not in order to reconsider the vote whereby the House tabled another motion to reconsider.⁽⁹⁾

1. See Sec. 38.6, *infra*.
2. 4 Hinds' Precedents § 3466–3469.
3. 5 Hinds' Precedents §§ 5666–5668.
4. 5 Hinds' Precedents § 6029; 8 Cannon's Precedents § 2790.
5. 5 Hinds' Precedents §§ 5689–5691.
6. 5 Hinds' Precedents § 5692.
7. 5 Hinds' Precedents §§ 5628, 5695, 6288; 8 Cannon's Precedents Sec. 2785; § 39.3, *infra*. Thus the motion to reconsider provides a third method (in addition to suspension of the rules and requests for unanimous consent) whereby matters laid on the table may be brought back for consideration.
8. 5 Hinds' Precedents Sec. 5629.
9. 5 Hinds' Precedents Sec. 5632–5640.

The vote to lay on the table an appeal from a decision of the Speaker may be reconsidered.⁽¹⁰⁾

It has been held in order to reconsider an action predicated on a request for unanimous consent, on the theory that such a request is in effect a motion.⁽¹¹⁾

Reconsideration is in order once on a vote ordering the previous question,⁽¹²⁾ but may not be applied to a vote ordering the previous question which has been partially executed.⁽¹³⁾ However, on two occasions the motion to reconsider was applied to partially executed orders of the House.⁽¹⁴⁾

Recent precedents indicate that the motion to reconsider may be applied to a vote on a conference report,⁽¹⁵⁾ or to a vote on recommending a conference report.⁽¹⁶⁾

The motion to reconsider is not in order on a negative vote to adjourn,⁽¹⁷⁾ on a negative vote for a recess,⁽¹⁸⁾ or on a negative vote on going into the Committee of the Whole which is akin to the ques-

10. 5 Hinds' Precedents Sec. 5630.
11. 8 Cannon's Precedents § 2794.
12. 15 Hinds' Precedents § 5655.
13. 5 Hinds' Precedents § 5653, 5654.
14. 3 Hinds' Precedents § 2028; 5 Hinds' Precedents § 5665.
15. See § 39.4, *infra*.
16. See § 39.5, *infra*.
17. 5 Hinds' Precedents §§ 5620–5622.
18. 5 Hinds' Precedents § 5625.

tion of consideration, which is also immune to the motion,⁽¹⁹⁾ though it has been admitted on an affirmative vote to go into the Committee of the Whole.⁽²⁰⁾

Reconsideration is not in order on a negative vote on a motion to suspend the rules⁽¹⁾ nor on a vote to override a Presidential veto.⁽²⁾

The motion to reconsider may not be applied to the vote by which the House decided a question of parliamentary procedure⁽³⁾ nor on a vote on the reference of a bill to a committee.⁽⁴⁾

A proposition once reconsidered may not be reconsidered again⁽⁵⁾ unless the nature of the proposition has been changed by amendment.⁽⁶⁾

To entertain a motion to reconsider the vote on an amendment to an amendment, for example, it is first necessary to vote to reconsider the vote by which the original amendment, as amended, was

disposed of. Thus is it proper to reconsider various questions in reverse order until proceedings return, in effect, to the original position in which the question which is to be reconsidered was pending.

The purpose of reconsideration is to allow the House to reflect on the wisdom of its action on a given proposition. Since a vote taken in the Committee of the Whole is not binding on the House until ratified there, reconsideration is not in order in the Committee of the Whole. The precedents are in conflict as to whether or not the motion to reconsider may be entered by unanimous consent in the Committee of the Whole⁽⁷⁾ but the Chair would normally decline to entertain such a request. However, the motion is in order in the House as in the Committee of the Whole.⁽⁸⁾

In committees, the motion to reconsider may be entered on the same day on which the action is taken to which it is proposed to be applied, or on the next day thereafter on which the committee convenes with a quorum present at a properly scheduled meeting at which business of that class is in order.⁽⁹⁾

19. 5 Hinds' Precedents § 5641.

20. 5 Hinds' Precedents § 5368.

1. 5 Hinds' Precedents §§ 5645, 5646; 8 Cannon's Precedents § 2781.

2. *House Rules and Manual*, Jefferson's Manual § 109 (1981); 5 Hinds' Precedents § 5644; 8 Cannon's Precedents § 2778.

3. 8 Cannon's Precedents § 2776.

4. 8 Cannon's Precedents § 2782.

5. See § 39.16, *infra* (Senate).

6. 5 Hinds' Precedents §§ 5685–5688; 8 Cannon's Precedents § 2788.

7. See § 39, *infra*.

8. 8 Cannon's Precedents § 2793.

9. See 8 Cannon's Precedents § 2213.

§ 34. Purpose and Effect; Pro Forma Motion

The most common usage of the motion to reconsider is its perfunctory disposal by a Member simultaneously entering the motion and moving to lay it on the table. One Member may move to reconsider and another may move to lay that motion on the table, or both motions may be entered by the same Member. Usually, after the Clerk has announced the result of a vote, the Speaker will declare, "Without objection, a motion to reconsider is laid on the table." This precludes subsequent motions for reconsideration.⁽¹⁰⁾

The pro forma motion is generally accepted as the method of making a decision of the House final.⁽¹¹⁾

10. See §34.5, *infra*. In practice, one of the Members managing the bill under consideration will move that the motion to reconsider be laid on the table, thereby precluding reconsideration. Floyd M. Riddick, *Congressional Procedure*, Chapman and Grimes (Boston, 1941) p. 237.

11. The pro forma use of the motion is generally proposed by Members who agree with the decision reflected in the vote that is the subject of the motion. It is interesting to note that after Thaddeus Stevens had successfully sponsored the House resolution that President Andrew Johnson be impeached Mr. Stevens moved to re-

If the prerogative of reconsideration is to be preserved a Member must object to the pro forma motion in a timely manner and may be well advised to notify the Speaker in advance of his intention to seek genuine reconsideration.

Tabling of Motion to Reconsider

§ 34.1 A motion to reconsider and a motion to table that motion may be made from the floor and agreed to by unanimous consent.

On July 18, 1962,⁽¹²⁾ the House voted to recommit the conference report on S. 167, relating to the enforcement of the antitrust laws. Mr. H. R. Gross, of Iowa, then rose to his feet.

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹³⁾ The gentleman will state it.

MR. GROSS: Was the vote by which the motion to recommit carried recon-

consider the vote by which the resolution was agreed to, and also moved to lay the motion to reconsider on the table. The later motion was agreed to, this being the parliamentary mode of making a decision final.

12. 108 CONG. REC. 13997, 87th Cong. 2d Sess.

13. John W. McCormack (Mass.).

sidered and that motion laid on the table?

THE SPEAKER: It has not been yet.

MR. GROSS: I so move, Mr. Speaker.

THE SPEAKER: Without objection the motion to reconsider will be laid on the table.

There was no objection.

**§ 34.2 Following inquiry from the floor, a motion to reconsider the vote whereby a conference report was recommit-
ted was laid on the table.**

On the legislative day of Dec. 20, 1963,⁽¹⁴⁾ the House voted to recommit Conference Report No. 1091, on House Resolution 9499 (foreign aid appropriations). Mr. Charles A. Halleck, of Indiana, rose with the following inquiry:

Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁵⁾ The gentleman will state the parliamentary inquiry.

Mr. Halleck: Mr. Speaker, was a motion to reconsider the vote just taken on the motion to recommit tabled?

THE SPEAKER: The Chair thanks the gentleman.

A motion to reconsider the vote by which action was taken on the motion to recommit the conference report on H.R. 9499 making appropriations for foreign aid and related agencies for other purposes, was laid on the table.

Who May Offer

§ 34.3 After a recapitulation confirmed that a proposition

had been passed by a single vote, the Speaker, by unanimous consent, laid a motion to reconsider that vote on the table, despite a later objection from a Member who had voted on the losing side and who had sought the recapitulation.

On Aug. 12, 1941,⁽¹⁶⁾ the House approved by one vote House Joint Resolution 222, to amend the Selective Service Act of 1940. Mr. Dewey Short, of Missouri, who had voted against the bill, first sought and obtained a recapitulation, and then attempted to have the vote reconsidered.

THE SPEAKER:⁽¹⁷⁾ . . . [T]he vote stands and the bill is passed and without objection a motion to reconsider is laid on the table. . . .

MR. SHORT: Mr. Speaker, I was on my feet.

THE SPEAKER: The Chair announced the vote before the recapitulation. There were no changes whatsoever and the Chair announced that the vote stood and the bill was passed, and without objection a motion to reconsider was laid on the table, and there was no objection.

MR. SHORT: Mr. Speaker, I object, and I demand recognition. I wanted to move to recapitulate the vote by which the bill was passed.

THE SPEAKER: That has already been done.

14. 109 Cong. Rec. 25423, 88th Cong. 1st Sess., Dec. 21, 1963 (Calendar Day).

15. John W. McCormack (Mass.).

16. 87 CONG. REC. 7075, 77th Cong. 1st Sess.

17. Sam Rayburn (Tex.).

MR. SHORT: I mean to reconsider the vote by which the bill was passed.

THE SPEAKER: The vote has been recapitulated.

MR. SHORT: I meant to reconsider the vote by which the bill was passed.

Mr. [Earl C.] Michener (of Michigan): Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MICHENER: Mr. Speaker, there is no use getting excited about this.

THE SPEAKER: The Chair trusts the gentleman from Michigan does not think the Chair is excited.

MR. MICHENER: The only thing that would make me think it was the speed with which the Speaker passed the bill and refused to recognize the gentleman from Missouri (Mr. Short), who was on the floor.

THE SPEAKER: The gentleman did not state for what purpose. Mr. Short: Mr. Speaker, I did not have time. I wanted to move to reconsider the vote by which the bill was passed.

THE SPEAKER: The gentleman, in the first place, is not eligible to make that motion.⁽¹⁸⁾

Effect of Objection to Request to Table

§ 34.4 Where objection was raised to the pro forma unanimous-consent request stated by the Speaker that a motion to reconsider be tabled, the Chair announced that the objection was heard and then, since no Member sought rec-

ognition to make a motion relating to the pending bill, recognized another Member to call up the next item of scheduled business.

On Oct. 9, 1969,⁽¹⁹⁾ after the House agreed to a conference on H.R. 11612 (Department of Agriculture appropriations for 1970) Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to insist on a certain provision therein. The following then occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Whitten moves to lay on the table the motion offered by the gentleman from Massachusetts (Mr. Conte).

THE SPEAKER:⁽²⁰⁾ The question is on the preferential motion offered by the gentleman from Mississippi (Mr. Whitten). . . .

The question was taken; and there were—yeas 181, nays 177, not voting 73. . . .

So the preferential motion was agreed to. . . .

THE SPEAKER: The Chair appoints the following conferees: Messrs. Whitten, Natcher, Hull, Shipley, Evans of Colorado, Mahon, Langen, Michel, Edwards of Alabama, and Bow.

Without objection, a motion to reconsider is laid on the table.

18. For eligibility requirements to offer the motion to reconsider, see §35, *infra*. .

19. 115 CONG. REC. 29315, 29316, 91st Cong. 1st Sess.

20. John W. McCormack (Mass.).

MR. ASHBROOK: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

THE SPEAKER then recognized another Member to call up a special rule for the consideration of a bill seeking to limit the number of hours of work permitted for railroad employees. The motion to reconsider was not entered or called up on the next legislative day, so the matter became moot.

Tabling of Motion to Reconsider as Affecting Second Motion to Reconsider

§ 34.5 The tabling of a motion to reconsider by the Speaker has precluded a Member from subsequently offering a motion to reconsider the same question.

On June 20, 1967,⁽²¹⁾ the House voted approval of H.R. 10480, a bill prohibiting desecration of the flag. After announcement of the result of the vote, a motion to reconsider was laid on the table by unanimous consent.

Subsequently, Mr. Theodore R. Kupferman, of New York, sought to have the vote reconsidered, but the Speaker ruled that motion out of order.

THE SPEAKER:⁽¹⁾ The question is on the passage of the bill.

21. 113 Cong. Rec. 16497, 16498, 90th Cong. 1st Sess.

1. John W. McCormack (Mass.).

Mr. [ROBERT] MCCLORY [of Illinois]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 387, nays 16, not voting 30. . . .

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MR. KUPFERMAN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman from New York will state his parliamentary inquiry.

MR. KUPFERMAN: Mr. Speaker, I voted for this bill believing that the word “knowingly” had been included at line 8 on page 1. It was adopted in committee on the amendment proposed by the gentleman from Pennsylvania [Mr. Biester]. I am now told informally—and that is the basis for my parliamentary inquiry—that the provision is not included in the bill we voted for because of the adoption in the committee, also, of the amendment of the gentleman from New Hampshire [Mr. Wyman], which was later defeated in the House itself. So my parliamentary inquiry is, Mr. Speaker, is the word “knowingly” included on line 8, page 1, of the bill that has just been adopted by the House?

THE SPEAKER: In reply to the parliamentary inquiry, the Chair will state that the word “knowingly” is not included.

MR. KUPFERMAN: Then I make a point of order, Mr. Speaker.

THE SPEAKER: As the Chair understands the situation, the gentleman from California [Mr. Corman], in the

Committee of the Whole offered an amendment to strike out the last two lines on page 1 and the first two lines on page 2 and insert new language. The gentleman from Pennsylvania [Mr. Biester] then offered a substitute for the Corman amendment. The substitute, which proposed to insert the word "knowingly" after the word "whoever" in the first line of the section, was agreed to; and the Corman amendment, as amended, was then agreed to.

Subsequently, the gentleman from New Hampshire [Mr. Wyman] offered an amendment to strike out the last two lines on page 1 and the first line on page 2 and insert new language. This amendment was adopted in the Committee of the Whole and was then reported to the House. The only amendment to this part of the bill reported to the House by the Committee of the Whole was the so-called Wyman amendment.

The House, on a separate vote, then rejected the Wyman amendment. The net result was that the language of the original bill was then before the House. The language of the original bill was thus what the House passed.

MR. KUPFERMAN: Even though, Mr. Speaker, we had adopted the word "knowingly" as proposed by the gentleman from Pennsylvania [Mr. Biester].

In other words, Mr. Speaker, I must make a point of order because I believe—and I know that a great many other Members of the House believe—that they voted for this bill on the basis that the word "knowingly" was included. My vote might very well have been otherwise had it not been included, and I must make the point of

order that the vote was taken on a false premise.

THE SPEAKER: The Chair will state that there is no point of order involved. The Chair has undertaken to answer a parliamentary inquiry proposed by the gentleman from New York. As a result of the various motions and the actions of the Committee of the Whole or, rather, the action of the House, the original language of the bill has been restored and the original language of the bill is the language that finally passed the House.

MR. [BYRON G.] ROGERS of Colorado: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman from Colorado will state his parliamentary inquiry.

MR. ROGERS of Colorado: Mr. Speaker, that also includes the word "burning" which was a committee amendment; is that correct?

THE SPEAKER: The Chair will state to the gentleman from Colorado that the two words "knowingly" and "burning" were eliminated by the action of the House.

MR. ROGERS of Colorado: I thank the distinguished Speaker.

KUPFERMAN: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman from New York will state his parliamentary inquiry.

MR. KUPFERMAN: Mr. Speaker, may I ask is it in order for reconsideration of the vote on the ground that there was a misconception at the time of the vote?

THE SPEAKER: The Chair will reply to the gentleman from New York that a motion to reconsider was laid on the

table and that a motion to reconsider at this point is not in order.

§ 35. Who May Offer; Calling Up

Members Voting With the Majority

§ 35.1 A motion to reconsider a vote may be made by a Member voting with the majority on that vote.

On May 5, 1943,⁽²⁾ Mr. Robert Ramspeck, of Georgia, called up for consideration a previously entered motion to reconsider the vote whereby a conference report had been rejected. A parliamentary inquiry was raised and entertained by Speaker Sam Rayburn, of Texas.

MR. RAMSPECK: Mr. Speaker, pursuant to rule 18, I call up for consideration the motion to reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected.

MR. [JOHN] TABER [of New York]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. TABER: Was the motion to reconsider made by one of those who was in the majority upon that question?

THE SPEAKER: It was. It was made by the gentleman from Texas [Mr. Worley].⁽³⁾

2. 89 CONG. REC. 4001, 78th Cong. 1st Sess.

3. See also 87 CONG. REC. 7074, 7075, 77th Cong. 1st Sess., Aug. 12, 1941.

Reconsideration of Tie Vote

§ 35.2 Since a tie vote defeats a question, a Senator who voted in the affirmative is not on the prevailing side and is precluded from moving to reconsider the question.

On Feb. 4, 1964,⁽⁴⁾ Senator Thomas H. Kuchel, of California, moved to reconsider the tie vote whereby the Senate rejected an amendment to H.R. 8363, the Revenue Act of 1964. With Senator George McGovern, of South Dakota, presiding, the following occurred:

MR. KUCHEL: Mr. President, I move that the Senate reconsider the vote by which the last amendment was defeated. I ask for the yeas and nays on the motion. . . .

MR. [ELMER J.] HOLLAND [of Pennsylvania]: A point of order.

THE PRESIDING OFFICER: The Senator will state his point of order.

MR. HOLLAND: Is the Senator from California in position to make his motion?

MR. [RUSSEL B.] LONG of Louisiana: How did the Senator from California vote?

MR. KUCHEL: I make my motion. I voted in the affirmative.

MR. LONG of Louisiana: The Senator is not in a position to make his motion.

MR. KUCHEL. I renew my motion.

4. 110 CONG. REC. 1854, 88th Cong. 2d Sess.

MR. LONG of Louisiana: Mr. President—

THE PRESIDING OFFICER: The Senator from California voted in the affirmative. The Parliamentarian informs the Chair that the Senator from California, therefore, is not in a position to make his motion.

Reconsideration of Unrecorded Vote

§ 35.3 Where there has been no recorded vote, a Member offering a motion to reconsider will not be compelled to say whether he voted with the majority or minority.

On July 14, 1932,⁽⁵⁾ Mr. William P. Connery, Jr., of Massachusetts, moved to reconsider a vote by division on a motion to recommit Senate Joint Resolution 169, to relocate the unemployed on unoccupied rural lands. A point of order was raised that Mr. Connery had not voted with the majority and was therefore not eligible to make that motion.

MR. CONNERY: Mr. Speaker, I move to reconsider the vote on the motion to recommit the resolution, Senate Joint Resolution 169, and spread that on the Journal.

MR. [JOHN B.] SCHAFER [of Wisconsin]: Mr. Speaker, a point of order. The gentleman voted against the motion, and under the parliamentary sit-

uation and the rules of the House, the gentleman can not move to reconsider the vote.

THE SPEAKER:⁽⁶⁾ The Chair has no knowledge of how any vote was cast. There was no roll call.

MR. [JOHN] TABER [of New York]: But should not the gentleman be required to state how he voted, when the question is raised, Mr. Speaker?

THE SPEAKER: Well, it has not been customary in the House since the present occupant of the chair has been a Member of it.

Timeliness of Objection as to Eligibility

§ 35.4 A point of order that a Senator who had moved to reconsider was ineligible to make the motion [not being on prevailing side of question] comes too late where a motion to table the motion to reconsider has been rejected and yeas and nays have been ordered on the motion to reconsider.

On July 23, 1964,⁽⁷⁾ during Senate consideration of S. 2642, the Economic Opportunity Act of 1964, with Senator Daniel Inouye, of Hawaii, presiding, the following took place:

MR. [JACOB K.] JAVITS [of New York]: Mr. President, I move that the

6. John N. Garner (Tex.).

7. 110 CONG. REC. 16722, 16723, 88th Cong. 2d Sess.

5. 75 CONG. REC. 15392, 72d Cong. 1st Sess.

Senate reconsider the vote by which the amendment was agreed to.

MR. [WINSTON L.] PROUTY [of Vermont]: I move to lay that motion on the table.

THE PRESIDING OFFICER: The question is on agreeing to the motion of the Senator from Vermont to lay on the table the motion of the Senator from New York to reconsider the vote by which the amendment was agreed to.

MR. [HUBERT H.] HUMPHREY [(of Minnesota): Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

THE PRESIDING OFFICER: The clerk will call the roll.

The legislative clerk proceeded to call the roll. . . .

The result was announced—yeas 45, nays 45, as follows. . . .

So the motion to lay on the table was rejected.

MR. [THOMAS H.] KUCHEL [of California]: Mr. President, on the last vote, was the question to lay on the table the motion to reconsider?

THE PRESIDING OFFICER: That is correct.

MR. KUCHEL: Is the question now on the motion to reconsider?

THE PRESIDING OFFICER: That is correct. . . .

MR. [JOHN G.] TOWER [of Texas]: Mr. President, a point of order.

THE PRESIDING OFFICER: The Senator will state it.

MR. TOWER: The motion to reconsider was made by the Senator from New York, who, I believe, was not on the prevailing side.

THE PRESIDING OFFICER: The Parliamentarian advises the Chair that it is too late to raise that point of order.

Calling Up on Subsequent Day; Form

§ 35.5 A Member entered a motion to reconsider the vote by which a conference report was rejected; subsequently, another Member called up that motion for the consideration of the House.

On Apr. 22, 1943,⁽⁸⁾ Mr. Eugene Worley, of Texas, moved to reconsider the vote whereby the House had on the previous day rejected H.R. 1860, a bill to provide overtime compensation for government employees.

MR. WORLEY: Mr. Speaker, I move to reconsider the action by which H.R. 1860 was on yesterday rejected.

On May 5, 1943,⁽⁹⁾ Mr. Robert Ramspeck, of Georgia, called up for consideration a motion to reconsider the vote by which a conference report had been rejected.

MR. RAMSPECK: Mr. Speaker,⁽¹⁰⁾ pursuant to rule 18, I call up for consideration the motion to reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected.

8. 89 CONG. REC. 3729, 78th Cong. 1st Sess.

9. *Id.* at p. 4001.

10. Sam Rayburn (Tex.).

§ 36. Withdrawing the Motion

Withdrawal of Senate Motion to Reconsider

§ 36.1 In the Senate, a motion to reconsider was withdrawn, by unanimous consent, some seven months after having been entered.

On Nov. 18, 1963,⁽¹¹⁾ with Senator Gaylord A. Nelson, of Wisconsin, presiding, the following took place on the Senate floor:

MR. [MIKE] MANSFIELD [of Montana]: Mr. President, I ask unanimous consent to withdraw the motion which I made on April 26 to reconsider H.R. 2837, a bill to amend further section 11 of the Federal Register Act.

THE PRESIDING OFFICER: Is there objection?

The Chair hears none, and it is so ordered.

H.R. 2837 will be transmitted to the House of Representatives.

§ 37. Requirement for a Quorum

Effect of Point of Order of no Quorum

§ 37.1 When a point of order that a quorum was not

present was raised against the offering of a motion to reconsider the vote by which a bill was adopted, the proponent of the motion indicated a willingness to enter, rather than make, the motion; the point of order was withdrawn, and the motion was entered.

On Apr. 22, 1943,⁽¹²⁾ Mr. Eugene Worley, of Texas, moved to reconsider the vote whereby the House had on the previous day rejected H.R. 1860, a bill to provide overtime compensation for government employees. Objection was made on the ground that a quorum was not present, but was withdrawn after Mr. Worley asked for unanimous consent to enter, rather than to make, his motion:

MR. WORLEY: Mr. Speaker, I move to reconsider the action by which H.R. 1860 was on yesterday rejected.

MR. [ALBERT A.] GORE [of Tennessee]: Mr. Speaker, I make the point of order a quorum is not present.

MR. WORLEY: Mr. Speaker, I ask unanimous consent to enter the motion.

MR. GORE: Mr. Speaker, then I withdraw the point of order.

THE SPEAKER:⁽¹³⁾ Is there objection to the request of the gentleman from Texas [Mr. Worley]?

11. 109 CONG. REC. 22063, 88th Cong. 1st Sess.

12. 89 CONG. REC. 3729, 78th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

There was no objection.

Parliamentarian's Note: Since a quorum is required to reconsider the vote on a proposition which requires a quorum (5 Hinds' Precedents § 5606), and since under the rules then applicable no business could be conducted once a point of no quorum was made, it became necessary to seek unanimous consent to enter the motion. However, once the point of order was withdrawn, such unanimous consent would no longer have been required.

§ 38. As Related to Other Motions

Motion to Lay on the Table

§ 38.1 The motion to reconsider may be applied to a vote to lay a matter on the table (except to a vote to table a motion to reconsider) and conversely, a motion to reconsider may be laid on the table.

On Oct. 9, 1968,⁽¹⁴⁾ Mr. Robert Taft, Jr., of Ohio, sought to appeal a ruling of the Chair, and Mr. Carl Albert, of Oklahoma, moved to lay that appeal on the table.

14. 114 CONG. REC. 30214-16, 90th Cong. 2d Sess.

After the House voted to table the appeal the following took place:

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I offer a privileged motion.

THE SPEAKER:⁽¹⁵⁾ The gentleman from California will state his privileged motion.

MR. HOSMER: Mr. Speaker, I move to reconsider the vote on the motion to lay the appeal from the Chair on the table.

MR. ALBERT: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER: The gentleman from California moves to reconsider the vote on the motion to lay the appeal from the decision of the Chair on the table, and the gentleman from Oklahoma moves that that motion be laid on the table.

MR. HOSMER: Mr. Speaker, I make a point of order against the motion of the gentleman from Oklahoma to lay my motion on the table because that motion does not lie.

THE SPEAKER: The Chair will state that a motion to lay on the table, on a motion to reconsider, is a recognized motion. . . .

The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert], that the motion to reconsider be laid on the table.

The question was taken; and there were—yeas 136, nays 104, not voting 191. . . .

So the motion to lay on the table was agreed to.

§ 38.2 A motion to reconsider and a motion to table the mo-

15. John W. McCormack (Mass.).

tion to reconsider were made from the floor and agreed to by unanimous consent.

On July 18, 1962,⁽¹⁶⁾ after the House adopted a motion to recommit the conference report on S. 167 relating to the enforcement of antitrust laws, the following occurred:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁷⁾ The gentleman will state it.

MR. GROSS: Was the vote by which the motion to recommit carried reconsidered and that motion laid on the table?

THE SPEAKER: It has not been yet.

MR. GROSS: I so move, Mr. Speaker.

THE SPEAKER: Without objection the motion to reconsider will be laid on the table.

There was no objection.

§ 38.3 After a Member inquired as to whether a motion to reconsider a vote on a motion to recommit had been tabled, the motion to reconsider was laid on the table.

On the legislative day of Dec. 20, 1963,⁽¹⁸⁾ the House voted to recommit Conference Report No.

16. 108 CONG. REC. 13997, 87th Cong. 2d Sess.

17. John W. McCormack (Mass.).

18. 109 CONG. REC. 25423, 88th Cong. 1st Sess., Dec. 21, 1963 (Calendar Day).

1091 on H.R. 9499, dealing with foreign aid appropriations for fiscal 1964. The following then took place:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁾ The gentleman will state the parliamentary inquiry.

MR. HALLECK: Mr. Speaker, was a motion to reconsider the vote just taken on the motion to recommit tabled?

THE SPEAKER: The Chair thanks the gentleman.

A motion to reconsider the vote by which action was taken on the motion to recommit the conference report on H.R. 9499 making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1964, and for other purposes, was laid on the table.

§ 38.4 Where objection was raised to a unanimous-consent request that a motion to reconsider be tabled, the Chair announced that the objection was heard and then, since no Member sought recognition to make a motion relating to the pending bill, recognized another Member to call up the next item of scheduled business.

On Oct. 9, 1969,⁽²⁾ after the House agreed to a conference on

1. John W. McCormack (Mass.).

2. 115 CONG. REC. 29315, 29316, 91st Cong. 1st Sess.

H.R. 11612 relating to agriculture appropriations for fiscal 1970, Mr. Silvio O. Conte, of Massachusetts, offered a motion to instruct the House conferees to insist on a certain provision of the bill. The following then occurred:

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. Whitten moves to lay on the table the motion offered by the gentleman from Massachusetts (Mr. Conte).

THE SPEAKER:⁽³⁾ The question is on the preferential motion offered by the gentleman from Mississippi (Mr. Whitten). . . .

So the preferential motion was agreed to [and the Chair appointed managers on the part of the House].

Without objection, a motion to reconsider is laid on the table.

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

The Speaker then recognized another Member to call up a special rule for the consideration of another bill. The motion to reconsider was neither entered nor called up the next legislative day, so the matter became moot.

Unanimous-consent Requests

§ 38.5 A unanimous-consent request to vacate the pro-

3. John W. McCormack (Mass.).

ceedings whereby a conference report was agreed to and a motion to reconsider laid on the table, was entertained by the Chair but objected to.

On May 22, 1968,⁽⁴⁾ the House was considering the conference report on S. 5, the Consumer Credit Protection Act, when the following occurred:

The conference report was agreed to.

A motion to reconsider was laid on the table.

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁵⁾ The gentleman will state the parliamentary inquiry.

MR. CAHILL: Mr. Speaker, would it be in order for a Member to move to rescind the action heretofore taken by the House?

THE SPEAKER: A motion would not be in order. But it would be in order for a unanimous-consent request to be made. . . .

MR. [WRIGHT] PATMAN [of Texas]: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the House adopted the conference report on the bill (S. 5) to assist in the promotion of economic stabilization by requiring the disclosure of finance charges in connection with extension of credit.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

4. 114 CONG. REC. 14396, 14398, 14402, 90th Cong. 2d Sess.

5. John W. McCormack (Mass.).

MR. [WILLIAM L.] HUNGATE [of Missouri]: Mr. Speaker, reserving the right to object, all Members were notified this measure would be before the House today as the first order of business. This legislation has been before this body for 8 years. Objection should have been made before the vote was taken.

Mr. Speaker, I object.

THE SPEAKER: Objection is heard.

§ 38.6 The Chairman of the Committee of the Whole allowed a unanimous-consent request to vacate the proceedings whereby an amendment was adopted, after he held out of order a motion to reconsider the vote by which that amendment was adopted.

On Mar. 12, 1945,⁽⁶⁾ Mr. Brent Spence, of Kentucky, who was in charge of debate in the Committee of the Whole on H.R. 2023 (to continue the Commodity Credit Corporation), inadvertently permitted an amendment offered by Mr. Jesse P. Wolcott, of Michigan, to be adopted. Mr. Spence realized his mistake, and sought to have that proceeding reconsidered:

MR. SPENCE: Mr. Chairman, I move to reconsider the action of the Committee by which the amendment was agreed to.

THE CHAIRMAN:⁽⁷⁾ Such a motion is not in order in the Committee of the Whole.

6. 91 CONG. REC. 2042, 2043, 79th Cong. 1st Sess.

7. R. Ewing Thomason (Tex.).

MR. WOLCOTT: Mr. Chairman a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: Inasmuch as business has been transacted since the original request was submitted by the gentleman from Kentucky, would it be in order for me to propound a consent request that the proceedings by which the amendment was adopted be vacated?

THE CHAIRMAN: Such a request would be in order, and the Chairman recognizes the gentleman for that purpose.

MR. WOLCOTT: Then, Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted reducing the amount from \$5,000,000,000 to \$4,000,000,000 be vacated. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Michigan?

There was no objection.

Motion for the Previous Question

§ 38.7 A motion to reconsider is debatable when a resolution [providing for the order of business] has been agreed to without debate and without the ordering of the previous question.

On Sept. 13, 1965,⁽⁸⁾ after adoption of House Resolution 506 providing for consideration of H.R.

8. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

10065 (the Equal Employment Opportunity Act of 1965), the following discussion on the relationship between the motion to reconsider and the previous question took place:

MR. [WILLIAM M.] McCULLOCH [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. McCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: It was not.

MR. McCULLOCH: Mr. Speaker, having voted in the affirmative, I now move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that that motion be laid upon the table.

MR. McCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. ALBERT].

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

MR. LAIRD: Mr. Speaker, a parliamentary inquiry

THE SPEAKER: The gentleman will state his parliamentary inquiry

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentleman from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

§ 39. Scope and Application of Motion

Use in Committee

§ 39.1 A motion to reconsider may be used in a committee, when a quorum is present, to report out from that committee bills approved earlier that day in the absence of a quorum.

On July 9, 1956,⁽¹⁰⁾ John L. McMillan, of South Carolina, Chair-

9. John W. McCormack (Mass.).

10. 102 CONG. REC. 12199, 12200, 84th Cong. 2d Sess.

man of the Committee on the District of Columbia, called up for consideration H.R. 4697, to amend the Alcoholic Beverage Control Act of the District of Columbia. Mr. Albert P. Morano, of Connecticut, rose to a point of order:

MR. MORANO: Mr. Speaker, I make the point of order against the consideration of this bill on the ground that when the committee considered this bill there was not a quorum present to report it to the House.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, may I be recognized on the point of order?

THE SPEAKER: ⁽¹⁾ Yes.

MR. SMITH of Virginia: Mr. Speaker, there is great difficulty, it is true, in getting a quorum of the District Committee, but I was personally present when this bill was voted out, and there was a quorum of the committee present. And, in order to be sure that there was no such question as this raised on the floor of the House, I myself made a motion, when a quorum was present, to reconsider all of the bills that had been considered and voted them out again, which was done.

THE SPEAKER: Does the chairman of the Committee of the District of Columbia desire to be heard on the point of order? . . .

MR. McMILLAN: Mr. Speaker, the statement made by the gentleman from Virginia [Mr. Smith] is correct. . . .

THE SPEAKER: The Chair must know whether the gentleman says that there was a quorum present or not, to his knowledge.

MR. McMILLAN: Mr. Speaker, there was a quorum present part of the time and part of the time there was not.

THE SPEAKER: That is not an answer to the query of the Chair.

MR. [SIDNEY E.] SIMPSON of Illinois: Mr. Speaker, would the gentleman yield?

MR. SMITH of Virginia: I yield.

MR. SIMPSON of Illinois: I will say for the benefit of the House that I was at the committee meeting when the gentleman from Virginia [Mr. Smith] brought up the point of no quorum; and there was a quorum present.

THE SPEAKER: That is what the Chair is trying to ascertain from the chairman of the committee.

MR. McMILLAN: That is correct.

THE SPEAKER: That is the point that is involved here.

MR. McMILLAN: The gentleman from Virginia [Mr. Smith] made that motion and there was a quorum present. . . .

MR. MORANO: Mr. Speaker, I press my point of order. I would like to know whether or not there was a quorum present when this bill was reported, not when the gentleman from Virginia made his motion.

THE SPEAKER: The chairman of the legislative committee has just stated to the Chair that there was a quorum present when this bill was reported. The Chair is going to take the word of the chairman of the committee, because that is according to the rules and practices of the House.

MR. MORANO: Mr. Speaker, I understood the chairman to say that when the gentleman from Virginia [Mr. Smith] made his motion there was a quorum present. But I did not understand the chairman of the committee

11. Sam Rayburn (Tex.).

to say that when this bill was reported there was a quorum present.

THE SPEAKER: The Chair is going to ask the gentleman from South Carolina [Mr. McMillan] that question now.

MR. McMILLAN: Mr. Speaker, when the gentleman from Virginia made his motion he stated that he wanted all bills that were considered that day passed with a quorum present.

THE SPEAKER: The Chair is going to ask the gentleman again if a quorum was present, to his certain knowledge, when this bill was reported.

MR. McMILLAN: There was not when this bill was passed.

MR. MORANO: Mr. Speaker, I insist on my point of order.

MR. SMITH of Virginia: Mr. Speaker, I should like to be heard further, because I think it is important to straighten this question out.

THE SPEAKER: It is.

MR. SMITH of Virginia: Not from the standpoint of this bill, but as a parliamentary question. Frequently bills are discussed and voted upon when a quorum is not present. It is the custom, at the conclusion of the discussion, when a quorum is present, to move a reconsideration of all the bills that have been passed, and to move to report them out. That is what was done in this matter. I think it is important for the House to know just how strict this rule is and how it is to be applied, because I think every bill that was passed upon this morning came here under the same conditions as this bill.

MR. SIMPSON of Illinois: Mr. Speaker, will the gentleman yield?

MR. SMITH of Virginia: I yield.

MR. SIMPSON of Illinois: Mr. Speaker, I wish to verify what Judge Smith

is saying. That was exactly the procedure in this matter in the House Committee on the District of Columbia.

MR. SMITH of Virginia: On this proceeding of the committee, I think we ought to be straightened out on it for the future.

THE SPEAKER: This has come up many times and it has always been decided by the Chair on the statement of the chairman of the legislative committee concerned. The gentleman from South Carolina said that when this bill was reported there was not a quorum present. Is the Chair quoting the gentleman from South Carolina correctly?

MR. McMILLAN: That is correct, Mr. Speaker.

MR. SMITH of Virginia: That really is not the question I am trying to get determined for the benefit of the House and other committees. It is true, I believe, there was not a quorum present when any one of these bills was considered, but before the session adjourned a quorum did appear, and then a blanket motion was made to reconsider all of the bills that had previously been passed upon and to vote them out, which motion was carried. May I ask the chairman of the committee if that is a correct statement of what occurred?

MR. McMILLAN: That is correct.

THE SPEAKER: A quorum was present at that time?

MR. SMITH of Virginia: At that time a quorum was present. That was the reason the motion was made. That is the only way we can operate in that committee, I might add.

MR. [HENRY O.] TALLE [of Iowa]: Mr. Speaker, may I say as a member of the District Committee that I was present

at the meeting. The gentleman from Virginia [Mr. Smith] has recorded the proceedings accurately.

MR. MORANO: There is obviously a contradiction here, Mr. Speaker. The chairman of the committee said there was not a quorum present when this bill was considered. The issue before the Speaker, as I understand it, is a ruling on this bill, not on other bills that were considered en bloc.

THE SPEAKER: That is correct, but the gentleman from South Carolina said that on the last action on the bill in the committee a quorum was present.

The Chair under the circumstances must overrule the point of order made by the gentleman from Connecticut.

§ 39.2 A point of order against one motion to reconsider the actions whereby a committee reported out several bills in the absence of a quorum should be made in the committee and not in the House.

On July 9, 1956,⁽¹²⁾ Mr. John L. McMillan, of South Carolina, called up H.R. 4697, to amend the Alcoholic Beverage Control Act of the District of Columbia of 1954. Mr. Albert P. Morano, of Connecticut, raised a point of order against the consideration of this bill on the ground that the Committee on the District of Columbia had considered this bill in the absence of a quorum. A dialogue en-

sued and established the following facts: The committee adopted this and several other bills in the absence of a quorum; however, before the committee adjourned a quorum appeared, and a motion was then adopted to reconsider all the bills which had been approved in the absence of a quorum and report them to the House. The Speaker thereupon overruled the point of order. Mr. John Taber, of New York, then posed a parliamentary inquiry.

MR. TABER: Mr. Speaker, is it proper to consider by a single vote a reconsideration of the votes by which several bills have been reported, and then make a single omnibus motion by which all those bills that have been so reconsidered would be reported?

THE SPEAKER:⁽¹³⁾ If, as seems to be true in this instance, no point of order was made, then the action of the committee is presumed to have been in accordance with parliamentary procedure of the House of Representatives.

MR. TABER: Mr. Speaker, the thing that would occur to me with reference to that is that if it may be that an omnibus motion is made to report bills that instead of the bills being considered on their merits and by themselves separately, it would be very unfortunate for us to treat bills in that way.

THE SPEAKER: Of course, if any point was made in the committee, they would be compelled to consider them separately. But if no point was made, it is assumed that the committee was acting in proper parliamentary fashion.

12. 102 CONG REC. 12199, 12200, 84th Cong. 2d Sess.

13. Sam Rayburn (Tex.).

Application to Motion to Table**§ 39.3 A motion to reconsider may be applied to a vote on a motion to lay on the table (except to a vote to table another motion to reconsider).**

On Oct. 9, 1968,⁽¹⁴⁾ the House had adopted a motion offered by Mr. Carl Albert, of Oklahoma, to table an appeal from a decision of the Chair sought by Mr. Robert Taft, Jr., of Ohio. The following then occurred:

MR. [CRAIG] HOSMER [of California]: Mr. Speaker, I offer a privileged motion.

THE SPEAKER:⁽¹⁵⁾ The gentleman from California will state his privileged motion.

MR. HOSMER: Mr. Speaker, I move to reconsider the vote on the motion to lay the appeal from the Chair on the table.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that the motion be laid on the table.

THE SPEAKER: The gentleman from California moves to reconsider the vote on the motion to lay the appeal from the decision of the Chair on the table, and the gentleman from Oklahoma moves that that motion be laid on the table. . . .

The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert], that the motion to reconsider be laid on the table.

14. 114 CONG. REC. 30215, 30216, 90th Cong. 2d Sess.

15. John W. McCormack (Mass.).

The question was taken; and there were—yeas 135, nays 104, not voting 191, as follows: . . .

So the motion to lay on the table was agreed to.

The result of the vote was announced as above recorded.

Application to Conference Reports**§ 39.4 The House may reconsider the vote whereby a conference report was rejected.**

The House may reconsider the vote on a conference report, as illustrated by the proceedings of May 5, 1943,⁽¹⁶⁾ dealing with the War Overtime Pay Act of 1943.

MR. [ROBERT] RAMSPECK [of Georgia]: Mr. Speaker, pursuant to rule 18, I call up for consideration the motion to reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected. . . .

THE SPEAKER:⁽¹⁷⁾ . . . The question is: Will the House reconsider the vote whereby the conference report on the bill (H.R. 1860) to provide for the payment of overtime compensation to Government employees, and for other purposes, was rejected? . . .

The question recurs on the motion to reconsider.

16. 89 CONG. REC. 4001, 78th Cong. 1st Sess.

17. Sam Rayburn (Tex.).

The question was taken; and on a division (demanded by Mr. Vorys of Ohio) there were—ayes 169, noes 82.

So the motion to reconsider was agreed to.

THE SPEAKER: The question is on agreeing to the conference report.

Mr. RAMSPECK: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk called the roll; and there were—yeas 275, nays 119, not voting 40.

Application to Vote to Recommit

§39.5 The motion to reconsider has been applied to the vote whereby a conference report was recommitted.

On the legislative day of Dec. 20, 1963,⁽¹⁸⁾ after the House voted to recommit the conference report on H.R. 9499 (foreign aid appropriations for 1964), the following occurred on the floor:

Mr. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽¹⁹⁾ The gentleman will state the parliamentary inquiry.

Mr. HALLECK: Mr. Speaker, was a motion to reconsider the vote just taken on the motion to recommit tabled?

18. 109 CONG. REC. 25423, 88th Cong. 1st Sess., Dec. 21, 1963 (Calendar Day).

19. John W. McCormack (Mass.).

THE SPEAKER: The Chair thanks the gentleman.

A motion to reconsider the vote by which action was taken on the motion to recommit the conference report on H.R. 9499 making appropriations for foreign aid and related agencies for the fiscal year ending June 30, 1964, and for other purposes, was laid on the table.

§39.6 It is in order to reconsider the vote whereby the House recommitted a joint resolution to a committee.

On July 14, 1932,⁽²⁰⁾ after the House voted to recommit Senate Joint Resolution 169 (for relocation of the unemployed), a motion was entered to reconsider this vote.

Mr. [LUTHER A.] JOHNSON of Texas: Mr. Speaker, I voted for the motion to recommit, and I make the motion to reconsider the vote by which the bill was recommitted, and spread that motion upon the Journal.

THE SPEAKER:⁽¹⁾ The gentleman from Texas . . . moves to reconsider the vote by which the Senate Joint Resolution was recommitted. The motion will be spread upon the Journal.

On July 16, 1932,⁽²⁾ this motion was called up for consideration, and laid on the table.

20. 75 CONG. REC. 15391, 72d Cong. 1st Sess.

1. John N. Garner (Tex.).

2. 75 CONG. REC. 15725, 72d Cong. 1st Sess.

MR. JOHNSON of Texas: Mr. Speaker, I call up my motion to reconsider the vote whereby Senate Joint Resolution 169 was recommitted to the Committee on Labor.

MR. [CHARLES] ADKINS [of Illinois]: Mr. Speaker, I move to lay that motion on the table.

THE SPEAKER: The question is on the motion of the gentleman from Illinois.

The question was taken; and on a division [demanded by Mr. Connery], there were 147 ayes and 29 noes.

MR. [WILLIAM P.] CONNERY [Jr., of Massachusetts]: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The gentleman from Massachusetts demands the yeas and nays. Eleven Members have arisen, not a sufficient number, and the yeas and nays are refused.

So the motion to lay the motion of Mr. Johnson of Texas on the table was agreed to.

Use of Motion to Vote on Motion to Expunge Remarks in Record

§ 39.7 The motion to reconsider may be used to reopen the proceedings whereby the House voted to expunge certain proceedings from the Congressional Record, including a speech made on the floor by a Member.

On Feb. 11, 1941,⁽³⁾ the House agreed to a motion offered by Mr.

John E. Rankin, of Mississippi, to expunge from the Record a speech made that day by Mr. Samuel Dickstein, of New York (criticizing the House Committee on Un-American Activities). A point of order raised by Mr. Clare E. Hoffman, of Michigan, against this speech and the Speaker's response thereto, both of which occurred during the speech, were also removed from the Record as a result of this motion. On Feb. 13, 1941,⁽⁴⁾ Mr. Hoffman, who wished to have the alleged offensive speech and his point of order against it preserved in the Record, rose to a question of privilege of the House, contending that by expunging from the Record those proceedings of Feb. 11, the House had abridged the first amendment. He offered a resolution to have the expunged proceedings included in the Record. The issue was resolved in the following manner:

MR. HOFFMAN: I raised a question of the privilege of the House. The House has not passed upon that question raised by the resolution.

THE SPEAKER:⁽⁵⁾ The House would have to decide that, and, in the opinion of the Chair, the House did decide the matter when it expunged the remarks from the Record. The Chair thinks, under the circumstances, that the

3. 87 CONG. REC. 932, 933, 77th Cong. 1st Sess.

4. *Id.* at pp. 979, 980.

5. Sam Rayburn (Tex.).

proper way to reopen the question would be by a motion to reconsider the vote whereby the motion of the gentleman from Mississippi [Mr. Rankin] was adopted. The Chair is of the opinion that inasmuch as the question raised by the gentleman from Michigan was decided by a vote of the House on a proper motion, that he does not now present a question of privilege of the House or of personal privilege.

Senate Practice

§ 39.8 A motion to reconsider its action in passing a House bill may be entered in the Senate; when this occurs, the Senate requests the House to return the papers.

On May 8, 1967,⁽⁶⁾ the following occurred on the floor of the Senate:

MR. [ALLEN J.] ELLENDER [of Louisiana]: Mr. President, I enter a motion to reconsider the vote by which the bill [H.R. 3399 to amend section 2 of Public Law 88-240] to extend the termination date for the Corregidor-Bataan Memorial Commission was passed on Thursday, May 4, 1967.

THE PRESIDING OFFICER:⁽⁷⁾ The motion will be entered and placed on the calendar.

MOTION FOR HOUSE TO RETURN TO THE SENATE THE PAPERS ON H.R. 3399

MR. ELLENDER: Mr. President, I move that the House of Representa-

tives be requested to return to the Senate the papers on H.R. 3399, to amend section 2 of Public Law 88-240, to extend the termination date for the Corregidor-Bataan Memorial Commission.

THE PRESIDING OFFICER: The motion will be stated.

THE ASSISTANT LEGISLATIVE CLERK: The Senator from Louisiana [Mr. Ellender] moves that the House of Representatives be requested to return to the Senate the papers on H.R. 3399, to amend section 2 of Public Law 88-240, to extend the termination date for the Corregidor-Bataan Memorial Commission.

THE PRESIDING OFFICER: The question is on agreeing to the motion of the Senator from Louisiana.

The motion was agreed to.

Parliamentarian's Note: H.R. 3399, extending the termination date for the Corregidor-Bataan Memorial Commission, was adopted by the Senate on May 4, 1967. By the time the message arrived from the Senate on May 8, requesting the return of the papers to the Senate, the enrolled bill was on the Speaker's table awaiting his signature. After consultations with the Chairman of the Committee on Foreign Affairs, the Speaker withheld his signature until the chairman could ascertain the reason for the Senate's request and recommend appropriate action in response thereto.

§ 39.9 A motion to reconsider two Senate bills having been

6. 113 CONG. REC. 11868, 11918, 90th Cong. 1st Sess.

7. Birch Bayh (Ind.).

entered, the Senate [by motion] requested the House to return the bills.

On Aug. 26, 1963,⁽⁸⁾ a motion to reconsider certain votes was made on the floor of the Senate:

MR. [MICHAEL J.] MANSFIELD [of Montana]: Mr. President, I enter a motion to reconsider the votes by which the bills, S. 1914 to incorporate the Catholic War Veterans of the United States of America, and S. 1942 to incorporate the Jewish War Veterans of the United States of America, were passed on August 20. . . .

THE PRESIDENT PRO TEMPORE:⁽⁹⁾ The Senator has a right to enter the motion.

MR. MANSFIELD: Mr. President, I move that the House of Representatives be requested to return the papers on the bill S. 1914 to incorporate the Catholic War Veterans of the United States of America, and on the bill S. 1942, to incorporate the Jewish War Veterans of the United States of America.

THE PRESIDENT PRO TEMPORE: The question is on agreeing to the motion of the Senator from Montana. . . .

The motion was agreed to.

Use in Committee of the Whole

§ 39.10 A motion to reconsider is not in order in the Committee of the Whole.

On May 24, 1967,⁽¹⁰⁾ the Committee of the Whole was consid-

8. 109 CONG. REC. 15849, 15850, 88th Cong. 1st Sess.

9. Carl Hayden (Ariz.).

10. 113 CONG. REC. 13824, 90th Cong. 1st Sess.

ering H.R. 7819, the Elementary and Secondary Education Act amendments of 1967. A motion regulating the time for debate had been approved when the following occurred:

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹¹⁾ The gentleman from Illinois will state his parliamentary inquiry.

MR. PUCINSKI: Mr. Chairman, is a motion to reconsider the last motion in order?

THE CHAIRMAN: The Chair will state to the gentleman from Illinois [Mr. Pucinski] that such motion is not in order in the Committee of the Whole.

§ 39.11 Where the Committee of the Whole has, by motion, agreed to limit debate on a pending amendment, a motion to reconsider its action is not in order.

On Aug. 5, 1966,⁽¹²⁾ the Committee of the Whole was considering H.R. 14765, the Civil Rights Act of 1966, when Mr. William L. Dickinson, of Alabama, rose to a point of order:

MR. DICKINSON: Mr. Chairman, I have a point of order.

THE CHAIRMAN:⁽¹³⁾ The gentleman will state his point of order.

11. Charles M. Price (Ill.).

12. 112 CONG. REC. 18416, 89th Cong. 2d Sess.

13. Richard Bolling (Mo.).

MR. DICKINSON: Mr. Chairman, if I understand correctly, we were granted 2 hours in which to submit amendments. One hour and 45 minutes has been used up. We have 15 minutes remaining. Did the Chair just rule that it would be inappropriate, and this Committee would be unable to reconsider, the fixing of this time? Was that the ruling of the Chair?

THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

§ 39.12 A request to reconsider a vote on an amendment is not in order in the Committee of the Whole, even by unanimous consent.

On Dec. 4, 1963,⁽¹⁴⁾ the Committee of the Whole was considering H.R. 6196—on the revitalization of cotton industry—when the following took place:

MR. [ROBERT J.] DOLE [of Kansas]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN:⁽¹⁵⁾ The gentleman will state it.

MR. DOLE: Mr. Chairman, would it now be in order to reconsider by unanimous consent the amendment I previously offered?

THE CHAIRMAN: A motion to reconsider is not in order in the Committee of the Whole.

§ 39.13 The Chairman of the Committee of the Whole held

14. 109 CONG. REC. 23322, 88th Cong. 1st Sess.

15. John J. Rooney (N.Y.).

out of order a motion to reconsider the vote by which an amendment was adopted, but allowed a unanimous-consent request to vacate the proceedings whereby that amendment was adopted.

On Mar. 12, 1945,⁽¹⁶⁾ while Mr. Brent Spence, of Kentucky, was controlling debate in the Committee of the Whole on H.R. 2023 [to continue the Commodity Credit Corporation] he inadvertently permitted adoption of an amendment offered by Mr. Jesse P. Wolcott, of Michigan. Upon realizing his mistake, Mr. Spence sought to reconsider the vote on this amendment, and the following occurred:

MR. SPENCE: Mr. Chairman, I move to reconsider the action of the Committee by which the amendment was agreed to.

THE CHAIRMAN:⁽¹⁷⁾ Such a motion is not in order in the Committee of the Whole.

MR. WOLCOTT: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. WOLCOTT: Inasmuch as business has been transacted since the original request was submitted by the gentleman from Kentucky, would it be in order for me to propound a consent request that the proceedings by which the amendment was adopted be vacated?

16. 91 CONG. REC. 2042, 2043, 79th Cong. 1st Sess.

17. R. Ewing Thomason (Tex.).

THE CHAIRMAN: Such a request would be in order, and the Chair recognizes the gentleman for that purpose.

MR. WOLCOTT: Then, Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment was adopted reducing the amount from \$5,000,000,000 to \$4,000,000,000 be vacated. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from Michigan?

There was no objection.

Question of Consideration

§ 39.14 It is not in order to reconsider the vote whereby the House has declined to consider a proposition since the question of consideration can be raised again at a subsequent time.

On Apr. 7, 1937,⁽¹⁸⁾ the issue before the House was whether to consider H.R. 2251, an antilynching bill:

MR. [HAMILTON] FISH [Jr., of New York]: Mr. Speaker, I raise the question of consideration.

THE SPEAKER:⁽¹⁾ The gentleman from New York raises the question of consideration.

The question is, will the House consider the bill [H.R. 2251] to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching?

. . .

18. 81 CONG. REC. 3252–54, 75th Cong. 1st Sess.

1. William B. Bankhead (Ala.).

The question was taken; and there were—yeas 123, nays 257, not voting 50, as follows: . . .

So the House refused to consider the bill. . . .

MR. FISH: Mr. Speaker, I move to reconsider the vote by which the House refused to consider the bill and lay that motion on the table.

THE SPEAKER: The Chair thinks that the motion is not in order on a vote of this character.

Second Motion

§ 39.15 After a motion to reconsider has been laid on the table a second motion to reconsider is not in order.

On June 20, 1967,⁽²⁾ the House had just adopted H.R. 10480, to prohibit desecration of the flag, when confusion arose as to the effect of House action on amendments reported out by the Committee of the Whole. Mr. Theodore R. Kupferman, of New York, stated that his vote had been based on a misconception of the exact wording of the bill, and raised the following parliamentary inquiry:

MR. KUPFERMAN: Mr. Speaker, may I ask is it in order for reconsideration of the vote on the ground that there was a misconception at the time of the vote?

THE SPEAKER:⁽³⁾ The Chair will reply to the gentleman from New York

2. 113 CONG. REC. 16497, 16498, 90th Cong. 1st Sess.

3. John W. McCormack (Mass.).

that a motion to reconsider was laid on the table and that a motion to reconsider at this point is not in order.

§ 39.16 After one motion to reconsider has been acted on, a second motion to reconsider is not in order.

On May 6, 1964,⁽⁴⁾ the Senate rejected amendments proposed by Senator Thruston B. Morton, of Kentucky, to amendments offered by Senator Herman E. Talmadge, of Georgia, to H.R. 7152, the Civil Rights Act of 1963. Senator Everett M. Dirksen, of Illinois, moved to reconsider the vote on the Morton amendments, with the following results:

THE ACTING PRESIDENT PRO TEMPORE:⁽⁵⁾ The question is on agreeing to the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected. . . .

The results was announced—yeas 46, nays 45, as follows: . . .

So the motion to reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected was agreed to.

THE ACTING PRESIDENT PRO TEMPORE: The question now is on agreeing to the amendments, of the Senator from Kentucky [Mr. Morton] to the Talmadge amendments. . . .

The legislative clerk proceeded to call the roll. . . .

4. 110 CONG. REC. 10201–03, 88th Cong. 2d Sess.

5. Lee Metcalf (Mont.).

The result was announced—yeas 45, nays 46, as follows: . . .

So Mr. Morton's amendments to the amendments of Mr. Talmadge were rejected.

MR. DIRKSEN: Mr. President, I move to reconsider the vote.

THE ACTING PRESIDENT PRO TEMPORE: The motion is not in order.

§ 40. Precedence of Motion

Vote Recapitulation and Motion to Reconsider

§ 40.1 A demand for recapitulation takes precedence over a motion to reconsider.

On May 6, 1964,⁽⁶⁾ the Senate defeated by a tie vote several amendments to H.R. 7152, the Civil Rights Act of 1963. Mr. Everett M. Dirksen, of Illinois, sought to have this vote reconsidered.

THE ACTING PRESIDENT PRO TEMPORE:⁽⁷⁾ The vote being 45 yeas and 45 nays, the Morton amendments to the Talmadge amendments are rejected.

SEVERAL SENATORS: No, no, no.

MR. DIRKSEN: Mr. President, I move that the Senate reconsider the vote by which the Morton amendments to the Talmadge amendments were rejected.

THE ACTING PRESIDENT PRO TEMPORE: The question is on agreeing to the motion to reconsider.

6. 110 CONG. REC. 10200, 10201, 88th Cong. 2d Sess.

7. Lee Metcalf (Mont.).

MR. [RICHARD B.] RUSSELL [of Georgia]: Mr. President, I demand a recapitulation of the vote.

THE ACTING PRESIDENT PRO TEMPORE: The Senator is entitled to have that done, and there will be a recapitulation. The clerk will call the names for the recapitulation.

The legislative clerk recapitulated the vote.

§ 41. Debate on Motion

When Motion is Debatable

§ 41.1 The motion to reconsider is debatable if the motion proposed to be reconsidered was debatable.

On Sept. 13, 1965,⁽⁸⁾ the House adopted House Resolution 506, providing for consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. There then occurred the discussion below, which suggests the circumstances under which a motion to reconsider may be debated:

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. MCCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: It was not.

MR. MCCULLOCH: Mr. Speaker, having voted in the affirmative. I now move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that that motion be laid upon the table.

MR. MCCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

MR. LAIRD: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state has parliamentary inquiry.

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentlemen from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity

8. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

9. John W. McCormack (Mass.).

to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

MR. LAIRD: I thank the Speaker.

MR. McCULLOCH: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. McCULLOCH: Mr. Speaker, what time would be allowed to debate the question and how would it be divided?

THE SPEAKER: It will be under the 1-hour rule and the gentleman from Ohio would be entitled to the control of the entire hour.

The Chair will restate the question on which the yeas and nays have been demanded and ordered.

The question is on the motion of the gentleman from Oklahoma [Mr. Albert] to lay on the table the motion to reconsider.

The question was taken; and there were—yeas 194, nays 181, not voting 57.

Senate Practice

§ 41.2 A Motion to reconsider is debatable under Senate rules. During the Senate debate of May 6, 1964,⁽¹⁰⁾ on H.R. 7152 (Civil Rights Act of 1963), Mr. Everett M. Dirksen, of Illinois, sought reconsideration of a tie vote on certain amendments and

10. 110 CONG. REC. 10201–03, 88th Cong. 2d Sess.

raised the following parliamentary inquiry:

MR. DIRKSEN: Mr. President, a parliamentary inquiry.

THE ACTING PRESIDENT PRO TEMPORE:⁽¹¹⁾ The Senator will state it.

MR. DIRKSEN: A motion to reconsider is a debatable motion, is it not?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct.

MR. DIRKSEN: So any Senator who wishes to discuss the motion to reconsider is at liberty to do so upon recognition?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct. The Senator from Illinois has the floor.

§ 42. In General; Effect

The unanimous-consent request is a procedural device that is available both in the House and Committee of the Whole.⁽¹²⁾ The limitations on the application of unanimous-consent requests are primarily those imposed by the presiding officer in the exercise of his discretionary power to recognize Members.⁽¹³⁾ However, in at least one circumstance the Speaker is proscribed by rule from entertaining certain unanimous-consent requests.⁽¹⁴⁾ Also, unanimous

11. Lee Metcalf (Mont.).

12. See, generally, § 47, *infra*.

13. See, generally, §§ 44, 48, *infra*.

14. Rule XXXII clause 1, *House Rules and Manual* § 919 (1981). See also §§ 47.5, 47.6, *infra*.

consent may not be requested in the Committee of the Whole on matters properly recognizable only in the House.⁽¹⁵⁾

When a unanimous-consent request has been made, any Member, including the Chair,⁽¹⁶⁾ may object. The objection terminates the request.⁽¹⁷⁾

A Member may reserve the right to object to a unanimous-consent request and by so doing obtains the floor. However, the Chair may refuse to permit debate under the reservation and put the question on the request.⁽¹⁾ A Member controlling the floor under a reservation of the right to object loses the floor if the request is withdrawn.⁽²⁾ The reservation of the right to object cannot be maintained if the regular order is demanded; in that case the reserving Member must either object or withdraw his reservation.⁽³⁾

§ 43. Stating the Request; Withdrawal

Stating the Request

§ 43.1 The Speaker's statement of a unanimous-consent re-

15. §§ 48.15, 48.16, *infra*.

16. §§ 45.4, 45.5, *infra*.

17. § 45.6, *infra*.

1. §§ 46.1, 46.2, *infra*.

2. § 46.4, *infra*.

3. § 46.6, *infra*.

quest as put to the House is controlling, and he may refuse to recognize an objection to the request made prior to such statement.

On Sept. 4, 1940,⁽⁴⁾ the following occurred after a divisive personal exchange between Mr. Martin L. Sweeney, of Ohio, and Mr. Beverly M. Vincent, of Kentucky:

Mr. Vincent of Kentucky: Mr. Speaker, I served in the World War, and the World War, as I understand it then and as I understand it now, was fought because we were being attacked by submarines and women and children were being murdered on the high seas. For the gentleman from Ohio (Mr. Sweeney) to say that President Wilson brought on that war to me was untrue and the whole statement the gentleman made I resented very much.

When he finished his speech he started to sit down by me. I got up and moved. I shall continue to refuse to sit by him as long as I am a Member of the Congress and he is a Member. When he sat down by me I got up and moved. I said I did not want to sit by a traitor to my country. . . .

Mr. [CLARE E.] HOFFMAN [of Michigan]: Mr. Speaker, I demand recognition on a point of order.

THE SPEAKER PRO TEMPORE:⁽⁵⁾ The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, I demand that the words of the gentleman

4. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess.

5. Jere Cooper (Tenn.).

who just left the floor be taken down, because they violate the rules of the House.

THE SPEAKER PRO TEMPORE: The Clerk will report the words complained of.

MR. VINCENT of Kentucky: Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

MR. [HENRY C.] DWORSHAK [of Idaho]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE: The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

MR. [FREDERICK V.] BRADLEY of Michigan: I object, Mr. Speaker. . . .

PARLIAMENTARY INQUIRY

MR. HOFFMAN: Mr. Speaker, a point of order and a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, a moment ago certain words were uttered by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, and the reading by the Clerk.

THE SPEAKER PRO TEMPORE: Subsequently, unanimous consent was granted for the words to be withdrawn.

MR. HOFFMAN: Oh, no, Mr. Speaker; three Members were on their feet. I was one of them, and objecting to that.

THE SPEAKER PRO TEMPORE: That was the ruling of the Chair.

Requests Put in the Alternative

§ 43.2 The Speaker does not entertain unanimous-consent

requests put in the alternative, but requires the Member to put the requests one at a time.

On Oct. 31, 1963,⁽⁶⁾ a dispute arose between Mr. Edgar Franklin Foreman, of Texas, and Mr. Henry B. Gonzalez, also of Texas. The Speaker, John W. McCormack, of Massachusetts, ruled that the use of certain words contained in the remarks of Mr. Foreman were not in order under the rules of the House. Mr. Bruce R. Alger, of Texas, then rose with a parliamentary inquiry:

MR. ALGER: My parliamentary inquiry, Mr. Speaker, is this: Mr. Speaker, I ask unanimous consent that after deleting the objectionable words that the gentleman be permitted to proceed or at least insert his remarks at this point in the Record.

THE SPEAKER: The gentleman has put two propositions, one to proceed or to extend his remarks in the Record. Which unanimous-consent request does the gentleman want the Chair to put first?

MR. ALGER: Mr. Speaker, first, that the gentleman be permitted to proceed in order.

THE SPEAKER: Is there objection to the request of the gentleman from Texas?

MR. [JOHN J.] ROONEY of New York: . . . I object.

THE SPEAKER: The objection is heard.

6. 109 CONG. REC. 20744, 20745, 88th Cong. 1st Sess.

Individual Requests and Legislative Requests Distinguished

§ 43.3 The Speaker announced that he would recognize Members to make individual unanimous-consent requests prior to recognizing Members for unanimous-consent requests relating to legislative business.

On Oct. 5, 1972,⁽⁷⁾ the Speaker, Carl Albert, of Oklahoma, made the following announcement:

The Chair is going to recognize Members who have individual unanimous-consent requests.

The Chair cannot determine, when a Member rises, whether he has a legislative purpose for rising or whether he has a unanimous-consent request to make and desires something to be put into the Record.

After that, the Chair will recognize any Member who has a unanimous-consent request in connection with business.

Withdrawal of Request

§ 43.4 Unanimous consent is not required to withdraw a unanimous-consent request in the House.

On Mar. 14, 1968,⁽⁸⁾ the House was considering H.R. 2516, pro-

7. 118 CONG. REC. 34039, 92d Cong. 2d Sess.

8. 114 CONG. REC. 6474-80, 6489-92, 90th Cong. 2d Sess.

viding penalties for interference with certain civil rights (with a Senate amendment containing further civil rights legislation, including open housing). Mr. Emanuel Celler, of New York, requested unanimous consent that the reading of the Senate amendment be dispensed with. Mr. H. R. Gross, of Iowa, and Mr. Joe D. Waggonner, Jr., of Louisiana, both reserved the right to object. The Speaker, John W. McCormack, of Massachusetts, then recognized Mr. Celler.

Mr. Speaker, I ask unanimous consent to withdraw my request.

The SPEAKER: It does not require unanimous consent.⁽⁹⁾

§ 44. Recognizing Members for Requests

Grounds for Refusal to Recognize

§ 44.1 The Speaker may decline to recognize for a unanimous-consent request for the consideration of a bill until the Member making such request consults with the Speaker and the Majority and Minority Leaders.

9. See also 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess., Feb. 8, 1964.

On July 11, 1946,⁽¹⁰⁾ Mrs. Clare Boothe Luce, of Connecticut, made the following request from the floor of the House:

. . . Mr Speaker, I ask unanimous consent to consider immediately the Wolcott bill (H.J. Res. 372) to reinstate rent control, which I send to the desk.

The SPEAKER:⁽¹¹⁾ Did the gentleman consult the Speaker about this and notify him that she was going to make this request?

Mrs. LUCE: I did not, Mr. Speaker.

The SPEAKER: The Chair refuses to recognize the gentleman for that purpose. . . .

The Chair desires to make a statement. For a long time, ever since 1937 at least, the present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.

Recognition of Committee Chairmen

§ 44.2 The Speaker, in response to a parliamentary inquiry, indicated that only the chairman of a committee

10. 92 CONG. REC. 8726, 8728, 79th Cong. 2d Sess.

11. Sam Rayburn (Tex.)

having jurisdiction of the subject matter of the bill would be recognized to ask unanimous consent to take it from the Speaker's table, disagree to the Senate amendment and ask for a conference.

On the legislative day of Aug. 31, 1960,⁽¹²⁾ Mr. Charles A. Halleck of Indiana, was recognized to offer a parliamentary inquiry:

Mr. HALLECK: Would it be in order for a unanimous-consent request to be made to send the bill that has just come from the Senate to conference?

The SPEAKER:⁽¹³⁾ That would be up to the gentleman from North Carolina [Mr. Cooley].⁽¹⁴⁾

Recognition Pending Motion to Suspend Rules

§ 44.3 The Speaker declined to recognize a request for unanimous consent during consideration of a motion to suspend the rules.

On July 21, 1947,⁽¹⁵⁾ the following occurred on the floor of the House:

12. 106 CONG. REC. 18920, 86th Cong. 2d Sess., Sept. 1, 1960 (Calendar Day).

13. Sam Rayburn (Tex.).

14. Mr. Cooley was Chairman of the Committee on Agriculture during the 86th Congress.

15. 93 CONG. REC. 9522-51, 80th Cong. 1st Sess.

MR. [RALPH A.] GAMBLE [of New York]: Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

After the House defeated a motion to adjourn and after the Speaker ruled out as dilatory a point of no quorum, the following occurred:

MR. [TOM] PICKETT [of Texas]: Mr. Speaker, I ask unanimous consent—

THE SPEAKER:⁽¹⁶⁾ The Chair will refuse to entertain any unanimous-consent requests until after the vote on this bill.

§ 45. Objecting to Requests

Rising to Object

§ 45.1 When objecting to a unanimous-consent request a Member must rise from his seat.

On Feb. 20, 1946,⁽¹⁷⁾ the House was considering H.R. 3370, the school lunch program, when the following occurred:

THE CHAIRMAN:⁽¹⁸⁾ The time of the gentleman from Texas has expired.

16. Joseph W. Martin, Jr. (Mass.).

17. 92 CONG. REC. 1500, 79th Cong. 2d Sess.

18. Henry M. Jackson (Wash.).

MR. [WILLIAM R.] POAGE [of Texas]: Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

MR. [WILLIAM J.] GALLAGHER [of Minnesota]: Mr. Chairman, I object.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. RANKIN: To make an objection a Member has to rise to object.

The Chairman: The point of order is well taken.

Time for Objection

§ 45.2 An objection to a unanimous-consent request is properly made to the request put by the Chair, not as put by the Member making the request.

On Sept. 4, 1940,⁽¹⁾ Mr. Beverly M. Vincent, of Kentucky, and Mr. Martin L. Sweeney, of Ohio, became engaged in an acrimonious personal debate; Mr. Vincent sought to withdraw a remark in which he referred to Mr. Sweeney as a traitor:

MR. VINCENT of Kentucky: Mr. Speaker, I ask unanimous consent to withdraw the last sentence of my statement.

1. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess.

MR. [HENRY C.] DWORSHAK [of Idaho]: I object, Mr. Speaker.

THE SPEAKER PRO TEMPORE:⁽²⁾ The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

§ 45.3 It is too late to object to a unanimous-consent request after the Chair has asked if there is objection and has announced that he hears none.

On Sept. 4, 1940,⁽³⁾ Mr. Beverly M. Vincent, of Kentucky, sought unanimous consent to withdraw part of a statement he made about Mr. Martin L. Sweeney, of Ohio.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The gentleman from Kentucky asks unanimous consent to withdraw the statement. Is there objection? The Chair hears none.

MR. [FREDERICK V.] BRADLEY of Michigan: I object, Mr. Speaker.

Subsequently Mr. Clare E. Hoffman, of Michigan, rose with a point of order.

MR. HOFFMAN: Mr. Speaker, a point of order and a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HOFFMAN: Mr. Speaker, a moment ago certain words were uttered

2. Jere Cooper (Tenn.).

3. 86 CONG. REC. 11516, 11517, 76th Cong. 3d Sess.

4. Jere Cooper (Tenn.).

by the gentleman on the floor of the House which I demanded be taken down. No report was made of those words. I demand the regular order—the taking down of the words, the report of the words, and the reading by the Clerk.

THE SPEAKER PRO TEMPORE: Subsequently, unanimous consent was granted for the words to be withdrawn.

MR. HOFFMAN: Oh, no, Mr. Speaker; three Members were on their feet. I was one of them, and objecting to that.

THE SPEAKER PRO TEMPORE: That was the ruling of the Chair.

§ 45.4 The Chair may decline to recognize a Member seeking unanimous consent where that Member rejects the Chair's suggestion that the request be temporarily withheld.

On Dec. 15, 1937,⁽⁵⁾ the Committee of the Whole was considering S. 2475, the wages and hours bill, when the following took place:

MR. [SCHUYLER OTIS] BLAND [of Virginia]: Mr. Chairman, I ask unanimous consent that any substitute which may be offered for the pending bill and adopted shall, when adopted, be open to amendment as though it were the original bill.

THE CHAIRMAN:⁽⁶⁾ The Chair has already suggested to the gentleman from Tennessee [Mr. McReynolds], who pro-

5. 82 CONG. REC. 1571, 75th Cong. 2d Sess.

6. John W. McCormack (Mass.).

pounded a similar unanimous-consent request, that the gentleman withhold temporarily his request.

MR. BLAND: I prefer to submit mine now as to the offering of a substitute.

THE CHAIRMAN: The Chair exercises the right of declining to recognize the gentleman for that purpose.

Objection by Presiding Officer

§ 45.5 A Chairman of the Committee of the Whole does not lose his right to object to a unanimous-consent request.

On Dec. 9, 1947,⁽⁷⁾ the Chairman of the Committee of the Whole, Earl C. Michener, of Michigan, made the following statement:

As the Chair understands the rule, the presiding officer in the Committee is in a dual capacity. First, he is selected to be the presiding officer during the consideration of the bill. But by accepting such appointment he does not lose his right to vote and object as any other Member. That is, his district is not deprived of its rights by virtue of the Chairman selection.

Effect of Objection; Withdrawal

§ 45.6 A unanimous-consent request does not remain pending after an objection thereto has been made; and the objecting Member cannot sub-

sequently withdraw his objection so as to revive the request.

On Nov. 24, 1937,⁽⁸⁾ the Speaker, William B. Bankhead, of Alabama, recognized Mr. Ralph E. Church, of Illinois, to propound a parliamentary inquiry:

MR. CHURCH: Mr. Speaker, earlier in the day the majority leader asked unanimous consent that when the House adjourns today it adjourn to meet on Friday next. I reserved the right to object. Under my right to object I proceeded to make a short statement.

THE SPEAKER: Will the gentleman please submit his parliamentary inquiry?

MR. CHURCH: I am submitting it. I made the reservation of objection for the purpose of making a short statement. Then someone called for the regular order, which forced me to object. I have been able since that time to make my statement, and now, Mr. Speaker, if I withdraw my objection, which I am willing to do, and now do, is it in order and will the request of the gentleman from Texas prevail?

THE SPEAKER: The Chair will state in answer to the inquiry of the gentleman that no request is now pending before the House to which he could object or not object.

7. 93 CONG. REC. 11231, 80th Cong. 1st Sess.

8. 82 CONG. REC. 368, 75th Cong. 2d Sess.

§ 46. Reservation of Objection

Discretion of Chair

§ 46.1 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Speaker, and sometimes he refuses to permit debate under such a reservation and immediately puts the question.

On Dec. 3, 1969,⁽⁹⁾ the House was considering an extension of the Economic Opportunity Act of 1964. Mrs. Edith S. Green, of Oregon, had sought a special order permitting her to address the House for two hours, but the Speaker, John W. McCormack, of Massachusetts, informed her that she would have to limit her request to one hour.

MRS. GREEN of Oregon: Mr. Speaker, I am always cooperative with the Speaker of the House. I therefore ask unanimous consent that I be permitted to address the House for 1 hour after the close of business today.

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Speaker, reserving the right to object—

THE SPEAKER: The Chair will state that it will not recognize anyone else at this moment. Either the gentle-

woman receives permission, or she does not.

Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

§ 46.2 Recognition for a reservation of objection to a unanimous-consent request is within the discretion of the Chair, who endeavors to protect the right of Members to make timely reservations, but who may also refuse to permit debate under such reservation and immediately put the question on the request.

On July 23, 1970,⁽¹⁰⁾ the Committee of the Whole was considering H.R. 18515, appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal 1971. Mr. Daniel J. Flood, of Pennsylvania, sought unanimous consent to grant Mr. Robert N. Giaimo, of Connecticut, an additional five minutes of debate. Mr. John E. Moss, Jr., of California, attempted to reserve the right to object to the unanimous-consent request, and a discussion arose between Mr. Moss and the Chairman of the Committee of the Whole, Chet Holifield, of California, as to the timeliness of Mr. Moss' reserva-

9. CONG. REC. (daily ed.), 91st Cong. 1st Sess.

10. 116 CONG. REC. 25620, 91st Cong. 2d Sess.

tion of the right to object. The issue was resolved in the following manner:

THE CHAIRMAN: If the gentleman insists that he was seeking to reserve the right to object, the Chair will again put the request.

MR. MOSS: I do so insist, Mr. Chairman.

THE CHAIRMAN: Is there objection to the request of the gentleman?

MR. MOSS: Reserving the right to object—

THE CHAIRMAN: The gentleman has already reserved the right to object.

MR. MOSS: That is correct. . . .

I want to state my point, if the Chair will permit it.

THE CHAIRMAN: Reservations to object are entertained only in the prerogative of the Chair. The Chair does not recognize the gentleman from California, Mr. Moss, any further unless he objects.

Yielding Under a Reservation

§ 46.3 A Member holding the floor under a reservation of the right to object to a unanimous-consent request yielded to another Member who moved that the House adjourn.

On Sept. 22, 1965,⁽¹¹⁾ the House was considering a home rule bill for the District of Columbia, when the Speaker, John W. McCormack,

11. 111 CONG. REC. 24716, 24717, 89th Cong. 1st Sess.

of Massachusetts, announced pursuant to a call of the House that a quorum was present.

THE SPEAKER: . . . Without objection, further proceedings under the call will be dispensed with.

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Speaker, I reserve the right to object.

THE SPEAKER: The Chair has announced that without objection further proceedings under the call will be dispensed with.

MR. DINGELL: Mr. Speaker, I was on my feet at the time seeking recognition.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that further proceedings under the call be dispensed with.

THE SPEAKER: Without objection, it is so ordered.

MR. DINGELL: Mr. Speaker, I still reserve the right to object.

THE SPEAKER: The gentleman from Michigan reserves the right to object.

MR. DINGELL: Mr. Speaker, I wish to ask whether or not it is the intention of the leadership to adjourn.

MR. ALBERT: Yes; we have only two or three unanimous-consent requests.

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Speaker, will the gentleman from Michigan yield to me?

MR. DINGELL: I yield.

MR. ARENDS: Mr. Speaker, the gentleman from Michigan has yielded to me. I move that the House do now adjourn.

THE SPEAKER: If the gentleman from Illinois will withhold that for a moment—

MR. ARENDS: Mr. Speaker, the gentleman from Michigan has yielded to me.

THE SPEAKER: I do not think the gentleman yielded for that purpose.

Does the gentleman from Michigan yield for that purpose?

MR. DINGELL: Yes, I do.

MR. ARENDS: Mr. Speaker, I make the motion that the House do now adjourn.

THE SPEAKER: The question is on the motion of the gentleman from Illinois.

Parliamentarian's Note: The Chair could have refused to recognize the Member to whom the floor was yielded under the reservation until the unanimous-consent request was disposed of. The motion to adjourn, being so highly privileged could have been made as a matter of right whether the unanimous-consent request were agreed to or disagreed to.

§ 46.4 A Member who reserves the right to object to a unanimous-consent request loses control of the floor when the request is withdrawn.

On Feb. 8, 1964,⁽¹²⁾ the Committee on the Whole was considering H.R. 7152, the Civil Rights Act of 1963 when Mr. Carl Albert, of Oklahoma, sought unanimous consent to limit debate on title VII of the bill.

THE CHAIRMAN:⁽¹³⁾ Is there objection to the request of the gentleman from Oklahoma?

12. 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess.

13. Eugene J. Keogh (N.Y.).

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Chairman, reserving the right to object, and I am just one ordinary Member of this House, but I do have certain rights as one ordinary Member of the House, if I understand what was agreed upon originally, I am willing to abide by that agreement. . . .

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, will the gentleman yield to me?

MR. COLMER: I yield to the gentleman from Ohio.

MR. HAYS: Mr. Chairman, I would like to propound a parliamentary inquiry. If the unanimous-consent request of the majority leader should be objected to, would not the majority leader or the chairman of the committee have a right to move that that be set and that the debate be ended at a specified time on Monday?

THE CHAIRMAN: The Chair would say a motion to limit debate would be in order after there has been debate on the title.

MR. ALBERT: Mr. Chairman, may I withdraw my unanimous-consent request and ask unanimous consent that the debate on title VII and all amendments thereto be limited to not exceeding 2 hours on Monday?

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, reserving the right to object, I think it is about time I make a little comment on the whole matter.

I opened the debate for our side of the aisle on this rule, and I explained it thoroughly. I thought at that time I had explained the agreement. I want to repeat that an agreement was made.

MR. COLMER: Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

MR. BROWN of Ohio: If it does not come out of my time.

MR. COLMER: Mr. Chairman, the majority leader made a unanimous-consent request. I reserved the right to object. Then the gentleman from Oklahoma, the majority leader, after some discussion, asked unanimous consent to withdraw his unanimous-consent request. I did not hear the Chair rule on the gentleman's request, therefore, I assume I still have the floor.

THE CHAIRMAN: The gentleman from Oklahoma withdrew his unanimous-consent request to which the gentleman from Mississippi had reserved the right to object. The gentleman from Oklahoma submitted a new unanimous-consent request to which the gentleman from Ohio [Mr. Brown] reserved the right to object.

MR. BROWN of Ohio: The gentleman from Ohio has the floor?

THE CHAIRMAN: The gentleman from Ohio [Mr. Brown] has the floor.

Demand for Regular Order

§ 46.5 An objection cannot be reserved against a unanimous-consent request if the regular order is demanded.

On July 29, 1968,⁽¹⁴⁾ Mr. Thaddeus J. Dulski, of New York, sought unanimous consent to take from the Speaker's table the bill H.R. 15387, relating to disciplinary action against employees of the postal field service. After brief

14. 114 CONG. REC. 23935, 23936, 90th Cong. 2d Sess.

discussion on Mr. Dulski's request, Mr. Wayne L. Hays, of Ohio, rose to his feet:

MR. HAYS: Mr. Speaker, in view of the fact that the gentleman from Illinois is going to object, I demand the regular order.

MR. [CHARLES R.] JONAS [of North Carolina]: Mr. Speaker, reserving the right to object——

THE SPEAKER:⁽¹⁵⁾ The gentleman from Ohio [Mr. Hays] has demanded the regular order. The regular order is, Is there objection to the request of the gentleman from New York?

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Speaker, in deference to the gentleman from Ohio, I will reserve my right to object.

MR. JONAS: Mr. Speaker, I reserve the right to object.

THE SPEAKER: The regular order has been demanded, and the Chair has no discretion.

Is there objection to the request?

MR. [JOHN M.] ASHBROOK [of Ohio]: Mr. Speaker, I object.

§ 46.6 Where a Member has reserved the right to object to a unanimous-consent request pending before the House and the regular order is demanded, further reservation of the right to object to that request is precluded and that Member must either object or permit the request to be granted.

15. John W. McCormack (Mass.).

On Feb. 4, 1971,⁽¹⁶⁾ the following occurred on the floor of the House:

THE SPEAKER:⁽¹⁷⁾ Is there objection to the request of the gentleman from Arkansas?

MR. [ANDREW] JACOBS [Jr., of Indiana]: Mr. Speaker, I reserve the right to object, and I do so because I want to reply to the statements made by the gentlewoman from Oregon.

MR. [WILBER D.] MILLS [of Arkansas]: Regular order, Mr. Speaker.

THE SPEAKER: Regular order has been demanded, and the regular order is, Is there objection to dispensing with the reading of the resolution?

MR. JACOBS: Mr. Speaker, reserving the right to object——

THE SPEAKER: The regular order has been demanded. The gentleman can either object or permit the request to be granted.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.⁽¹⁸⁾

§ 47. Scope and Application of Request

Closing Debate on Unread Titles

§ 47.1 When a bill is being read by titles, debate may be

16. 117 CONG. REC. 1713, 92d Cong. 1st Sess.

17. Carl Albert (Okla.).

18. See also 109 CONG. REC. 10674, 88th Cong. 1st Sess., June 11, 1963.

closed on titles that have not been read by unanimous consent.

On Feb. 8, 1964,⁽¹⁾ the Committee of the Whole was considering the bill H.R. 7152, the Civil Rights Act of 1963, when a question arose concerning the time limit for debate on the bill:

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: I should like to ask, Mr. Chairman, if the Committee of the Whole House on the State of the Union can now effect binding action as to time on the titles of the bill which we have not reached?

THE CHAIRMAN:⁽²⁾ The Chair would inform the gentleman from Ohio that that could be done only by unanimous consent.

Reading of Amendment

§ 47.2 The reading of a substitute amendment in the Committee of the Whole may be dispensed with by unanimous consent.

On May 4, 1960,⁽³⁾ the Committee of the Whole was considering S. 722, the Area Redevelopment Act of 1960, when Mr. Silvio O. Conte, of Massachusetts, offered a substitute for the com-

1. 110 CONG. REC. 2614, 2615, 88th Cong. 2d Sess.

2. Eugene J. Keogh (N.Y.).

3. 106 CONG. REC. 9468, 86th Cong. 2d Sess.

mittee amendment to the bill. The reading of the amendment had begun when a Member rose to address the Chairman:

MR. [HALE] BOGGS [of Louisiana] (interrupting the reading of the amendment): Mr. Chairman, I move that the further reading of the substitute amendment be dispensed with.

THE CHAIRMAN: ⁽⁴⁾ That motion is not in order. Unanimous consent is required to dispense with the further reading of the amendment.

Perfecting Previously Adopted Amendment

§ 47.3 It is in order by unanimous consent to offer a perfecting amendment to an amendment which has already been agreed to.

On Sept. 17, 1970, § ⁽⁵⁾ the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970, when the Chairman, William H. Natcher, of Kentucky, recognized Mr. H. Allen Smith, of California:

MR. SMITH of California: Mr. Chairman, I move to strike the necessary number of words. . . .

Mr. Chairman, I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered

by Mr. White which was adopted in this committee. . . .

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

There was no objection.

Nonprivileged Resolution

§ 47.4 A resolution increasing the number of Members on one of the standing committees of the House was called up by unanimous consent.

On Dec. 22, 1969, ⁽⁶⁾ Mr. Carl Albert, of Oklahoma, was recognized by the Speaker, John W. McCormack, of Massachusetts.

MR. ALBERT: Mr. Speaker, I offer a resolution [H. Res. 764] and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the remainder of the Ninety-first Congress, the Committee on Education and Labor shall be composed of thirty-seven members.

THE SPEAKER: Is there objection to the request of the gentleman from Oklahoma?

MR. [ROMAN C.] PUCINSKI [of Illinois]: Mr. Speaker, reserving the right to object—

MR. [JOE D.] WAGGONER [Jr., of Louisiana]: Mr. Speaker, reserving the right to object—

THE SPEAKER: The Chair will not entertain a reservation of objections.

4. Wilbur D. Mills (Ark.).

5. 116 CONG. REC. 32303, 32304, 91st Cong. 2d Sess.

6. 115 CONG. REC. 40922, 91st Cong. 1st Sess.

MR. WAGGONER: Mr. Speaker, then I object.

THE SPEAKER: Objection is heard.

Waiving House Rule

§ 47.5 The Speaker may recognize a Member for a unanimous-consent request to waive the requirement of a rule unless the rule in question specifies that it is not subject to waiver, even by unanimous consent.

On July 29, 1970,⁽⁷⁾ the Committee of the Whole was considering H.R. 17654, the Legislative Reorganization Act of 1970. During debate on the bill there was pending an amendment to require the Record to contain a verbatim account of floor proceedings, permitting only technical corrections by revision and extension of remarks, and authorizing Members to insert remarks not spoken on the floor but requiring their printing in distinctive type, and an amendment thereto retaining the present practice of making insertions by unanimous consent. A dialogue arose between the Chairman of the Committee of the Whole, William H. Natcher, of Kentucky, and Mr. Dante Fascell, of Florida, regarding the effect of such amendments on the Speak-

er's power of recognition for unanimous-consent requests:

MR. FASCELL: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. FASCELL: If there is no prohibition in the rule for the Speaker to recognize any Member for a unanimous-consent request, is it not true that the Speaker can recognize any Member for a unanimous-consent request?

THE CHAIRMAN: The power of recognition is in the Speaker. He has the right to recognize any Member on the floor.

MR. FASCELL: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: The point specifically is that by rule the Speaker can be prohibited from recognizing a Member for a unanimous-consent request; is that not correct?

THE CHAIRMAN: The Chair would like to inform the gentleman that his statement is correct.

MR. FASCELL: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: Is it not true, therefore, that if there is no prohibition in the present amendment, any Member could rise and the Speaker could recognize him for a unanimous-consent request to waive that particular rule at that moment?

THE CHAIRMAN: The Chair would like to inform the gentleman that under those conditions it would require unanimous consent. Any Member could object. The Speaker could object.

7. 116 CONG. REC. 26419, 91st Cong. 2d Sess.

MR. FASCELL: Mr. Chairman, one further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. FASCELL: May a rule be waived by unanimous consent, either temporarily or permanently?

THE CHAIRMAN: The Chair would like to inform the gentleman that there are rules of the House that the Speaker himself does not have the right to waive.

§ 47.6 Rule XXXII governing admissions to the floor specifically prohibits the Speaker from entertaining motions or unanimous-consent requests to suspend that rule.

On June 8, 1972,⁽⁸⁾ during consideration in the House of the conference report on S. 659, the Education Amendments of 1972, Mr. Olin M. Teague, of Texas, posed a point of order to the Speaker, Carl Albert, of Oklahoma, relative to Rule XXXII:⁽⁹⁾

MR. TEAGUE of Texas: Mr. Speaker, the rules of the House limit the number of staff members who are allowed on the floor in a situation like this and I make the point of order that this committee has violated that rule of the House.

8. 118 CONG. REC. 20318, 92d Cong. 2d Sess.

9. Rule XXXII clause 1, *House Rules and Manual* §919 (1981), prohibits the Speaker from entertaining requests to suspend provisions of the rule governing admission to the floor of the House.

Mr. Speaker, the reason I make this point of order is to point up the fact that if the debate concerning this conference report requires 10 or 15 staff members to be on the floor to tell them what to say or what to do, then for sure they must not know what is in the bill.

THE SPEAKER: The gentleman has made a point of order that the committee has violated the rules of the House in bringing an excessive number of committee staff members to the floor. The rule which governs situations of this kind is rule 32 which lists those who do have the privileges of the floor, and contains the clause: "and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule."

This rule was adopted before the Reorganization Act of 1947 which provided for four professional staff members for each committee. The Chair must hold under the rule that no committee is entitled under the rules of the House—because the Chair cannot waive the rule—to more than four professional staff members and the clerk, a total of five.

Permitting Debate on Motion to Rerefer

§ 47.7 Where the rule with regard to rereference of bills on motions of a committee prohibits debate, a Member may proceed by unanimous consent for one minute before he makes such motion.

On Apr. 21, 1942,⁽¹⁰⁾ the Speaker, Sam Rayburn, of Texas, recognized Mr. Samuel Dickstein, of New York.

MR. DICKSTEIN: Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

THE SPEAKER: Is there objection to the request of the gentleman from New York?

There was no objection.

MR. DICKSTEIN: Mr. Speaker, the gentleman from Alabama [MR. HOBBS] has introduced another Hobbs bill known as H.R. 6915. At the conclusion of my remarks I propose to move that it be referred to the Committee on Immigration and Naturalization, where this bill belongs. Time does not permit me to go into a detailed discussion to point out to the House that this bill is absolutely an immigration bill and not a bill for the Committee on the Judiciary but I can give you a short analysis of the bill to prove my point. . . .

Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I move that the bill H.R. 6915, now in the Committee on the Judiciary, be referred to the Committee on Immigration and Naturalization.

Subsequently, Mr. Sam Hobbs, of Alabama, rose with a point of order.

MR. HOBBS: Mr. Speaker, I make the point of order against the motion that it is made in violation of the rule under which it is supposed to be presented, in that there was debate by the

distinguished gentleman from New York for 1 minute immediately preceding the submission of the motion, whereas the opposition is denied that right by the rule.

THE SPEAKER: The Chair did not know what the gentleman from New York was going to talk about. The Chair cannot look into the mind of a Member when he asks unanimous consent to address the House for 1 minute and see what he intends to talk about.

Postponing Consideration of Privileged Resolution

§ 47.8 The calling up of a resolution reported from the Committee on Rules is a matter of high privilege; but when consideration thereof has begun, the House can postpone it and proceed to other business by unanimous consent.

On Oct. 29, 1969,⁽¹¹⁾ Mr. John A. Young, of Texas, was recognized on the floor of the House to call up a special order from the Committee on Rules providing for the consideration of H.R. 14001, amending the Military Selective Service Act.

MR. YOUNG: Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 586 and ask for its immediate consideration.

After the Clerk reported the resolution, Mr. Young was recog-

10. 88 CONG. REC. 3570, 3571, 77th Cong. 2d Sess.

11. 115 CONG. REC. 32076-83, 91st Cong. 1st Sess.

nized for debate on the resolution. During debate, points of no quorum were made, resulting in calls of the House after which Mr. Young made the following request:

MR. YOUNG: Mr. Speaker, I ask unanimous consent that further consideration of this resolution be postponed until tomorrow.

THE SPEAKER:⁽¹²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

Parliamentarian's Note: The Member calling up the resolution could have withdrawn it before the House acted; and such withdrawal would not require unanimous consent. If withdrawn, renewed consideration of the resolution would have been de novo. By postponing consideration, the resolution became unfinished business.

As Related to Unparliamentary Language

§ 47.9 Although a Member's words have been taken down on demand and read to the House, the Speaker may recognize the Member who made the statement to ask unanimous consent to change those words.

12. John W. McCormack (Mass.).

On June 5, 1962,⁽¹³⁾ the following occurred on the floor of the House:

MR. [JOHN D.] DINGELL [of Michigan]: . . . The AMA opposed the Social Security Act passed in 1935, and I refer the gentleman to the Journal of the American Medical Association and the proceedings of its house of delegates. I think in fairness when he stands up and opposes this and speaks as a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA, he should be shown as speaking for the kind of organization that has opposed all of these things.

MR. [THOMAS B.] CURTIS [of Missouri]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ The gentleman will state his point of order.

MR. CURTIS of Missouri: I regret to say that the gentleman's words need to be taken down.

This is a point of order. To clarify, it was the reference to the gentleman from Missouri as a member of the house of delegates of the AMA and the reference to that organization and the relationship of the gentleman from Missouri to that organization.

THE SPEAKER:⁽¹⁵⁾ The Clerk will report the words objected to.

The Clerk read as follows:

MR. DINGELL: I think in fairness, when he stands up and opposes this and speaks as a mouthpiece for the AMA and as a mouthpiece for the house of delegates of the AMA, he should be shown as speaking for that

13. 108 CONG. REC. 9739, 87th Cong. 2d Sess.

14. Arnold Olsen (Mt.).

15. John W. McCormack (Mass.).

kind of organization that has opposed all of these things.

MR. DINGELL: Mr. Speaker, I ask unanimous consent to change the words complained of to "self-appointed spokesman" instead of "mouthpiece."

THE SPEAKER: Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE SPEAKER: Does the gentleman from Missouri withdraw his point of order?

MR. CURTIS of Missouri: I do, Mr. Speaker.

§ 47.10 The words of a Member which were taken down and ruled out of order were, by unanimous consent, deleted from the Record; and the Member was then permitted to proceed in order.

On June 24, 1958,⁽¹⁶⁾ Mr. Oren Harris, of Arkansas, rose to object to the use of certain language on the floor of the House:

MR. HARRIS: Mr. Speaker, I must object to the language just used.

MR. [THOMAS B.] CURTIS of Missouri: Mr. Speaker, wait a minute. Is the gentleman asking me to yield?

MR. HARRIS: I am not asking the gentleman to yield.

MR. CURTIS of Missouri: Mr. Speaker, I have the floor.

THE SPEAKER:⁽¹⁷⁾ The gentleman from Missouri has the floor.

16. 104 CONG. REC. 12120, 85th Cong. 2d Sess.

17. Sam Rayburn (Tex.).

MR. HARRIS: Mr. Speaker, I demand that the gentleman's words be deleted from the Record.

THE SPEAKER: The Clerk will report the words objected to.

After the Clerk reported the words that were objected to, the following occurred:

THE SPEAKER: The Chair thinks it is very clear that this is a reflection on a committee of the House of a very serious type and, therefore, holds that the language is not parliamentary.

MR. HARRIS: Mr. Speaker, I ask unanimous consent that the language objected to be expunged from the Record and that the gentleman from Missouri be permitted to proceed in order.

MR. CURTIS of Missouri: Mr. Speaker, I would like to be heard.

THE SPEAKER: The Chair has already ruled. It is as clear to the Chair as anything in the world.

Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Parliamentarian's Note: Motions to expunge from the Record and to permit a Member to proceed in order are privileged, therefore unanimous consent is not required.

Insertions in the Record

§ 47.11 The committee voting record of a Member was, at his request and by unanimous consent, inserted in the Record in the form of a

**memorandum prepared by
the committee counsel.**

On Dec. 11, 1969,⁽¹⁾ Mr. Arnold Olsen, of Montana, made the following statement on the floor of the House:

MR. OLSEN: Mr. Speaker, during my 9 years here in the House of Representatives I have established a record in committee and here on the floor of the House. It has been a consistent record. I am proud of it and I have campaigned on it in the last four elections.

Last week a nationally syndicated columnist released certain allegations and implications which, if left unanswered, could cast a shadow on that record. For that reason I have asked Chairman Dulski of the House Post Office and Civil Service Committee to release a review of my position on the legislation in question during executive committee sessions over the last 9 years. Chairman Dulski directed counsel to prepare a summary of the previously unreported and confidential record and, with the advice and permission of my chairman, I am inserting this document in the Record today for the information of all of my distinguished colleagues. . . .

Mr. Speaker, I ask that notwithstanding the rules of the House that the following documents be inserted at this time in the Congressional Record: First, the statement I released to the press last Friday following publication of the column in question; second, the letter from Committee Counsel Charles

E. Johnson transmitting a compilation of my voting record in executive committee sessions and here on the floor of the House; and third, the record compiled by Mr. Johnson at the direction of Chairman Thaddeus J. Dulski.

THE SPEAKER PRO TEMPORE:⁽²⁾ Is there objection to the request of the gentleman from Montana?

There was no objection.

§ 48. Limitations on Requests

Multiple Requests

§ 48.1 During the pendency of a unanimous-consent request, the Speaker may refuse to entertain a second unanimous-consent request.

On Oct. 14, 1972,⁽³⁾ during the pendency of a unanimous-consent request sought by Mr. Hale Boggs, of Louisiana, Mr. Wilbur D. Mills, of Arkansas, rose to his feet:

MR. MILLS of Arkansas: . . . Mr. Speaker, would the gentleman from Louisiana yield for a unanimous-consent request?

MR. BOGGS: Certainly.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, there is a unanimous-consent request before the House.

THE SPEAKER:⁽⁴⁾ There is a unanimous-consent request pending from the gentleman from Louisiana.

2. Charles M. Price (Ill.).

3. 118 CONG. REC. 36501, 92d Cong. 2d Sess.

4. Carl Albert (Okla.).

1. 115 CONG. REC. 38556, 38557, 91st Cong. 1st Sess.

Requests Relating to Committee Meetings

§ 48.2 The Speaker has declined to recognize a Member for a unanimous-consent request that a committee be allowed to sit at the same time the House is considering a measure under the five-minute rule.

On July 1, 1947,⁽⁵⁾ the following occurred on the floor of the House:

MR. [SAMUEL K.] MCCONNELL [Jr., of Pennsylvania]: Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Education and Labor holding hearings on minimum wages be allowed to sit tomorrow during the session of the House.

THE SPEAKER:⁽⁶⁾ The Chair cannot recognize the gentleman for that purpose. Tomorrow the House will be reading the civil functions appropriation bill for amendment, and committees cannot sit during sessions of the House while bills are being read for amendment; only during general debate.

MR. MCCONNELL: We have a full schedule that we want to get through.

THE SPEAKER: That is the policy that has been adopted. The minority leader has stated that he would object to any requests of that character.

5. 93 CONG. REC. 8054, 80th Cong. 1st Sess.

6. Joseph W. Martin, Jr. (Mass.).

Requests to Proceed for One Minute

§ 48.3 The Minority Leader having been recognized to proceed for one minute and in that time having asked unanimous consent for consideration of a bill, the Speaker held that he had not been recognized for that purpose.

On Jan. 26, 1944,⁽⁷⁾ the following took place on the floor of the House:

Mr. Martin of Massachusetts and Mr. May rose.

THE SPEAKER:⁽⁸⁾ For what purpose does the gentleman from Massachusetts rise?

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

THE SPEAKER: The Chair will not recognize any other Member at this time for that purpose but will recognize the gentleman from Massachusetts.

MR. MARTIN of Massachusetts: Mr. Speaker, I appreciate the generosity of the Chair.

I take this minute, Mr. Speaker, because I want to make a unanimous-consent request and I think it should be explained.

I agree with the President that there is immediate need for action on the

7. 90 CONG. REC. 746, 747, 78th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

soldiers' vote bill. A good many of us have been hoping we could have action for the last month. To show our sincerity in having action not next week but right now, I ask unanimous consent that the House immediately take up the bill which is on the Union Calendar known as S. 1285, the soldiers' voting bill.

THE SPEAKER: The gentleman from Massachusetts was not recognized for that purpose.

The Chair recognizes the gentleman from Kentucky.

Production of Committee Documents

§ 48.4 The Speaker declined to entertain a unanimous-consent request that the clerk of the Committee on House Administration be directed to bring to the well of the House certain documents in the custody of that committee.

On June 3, 1960,⁽⁹⁾ Mr. John James Flynt, Jr., of Georgia, made the following request:

MR. FLYNT: Mr. Speaker, I ask unanimous consent that the Chair Direct the clerk of the Committee on House Administration to bring to the well of the House, following the legislative business of the day, that portion of the records and documents in the custody of that committee, which refer to and contain the entries on the records of

the Royal Hawaiian Hotel in Honolulu, Hawaii, for the purpose of permitting me to refer specifically to any such items contained therein which are at complete variance with published reports in the Wednesday issue of the Washington Post and Times Herald, and in the issue of Life magazine dated June 6, 1960, which is next Monday, but which appeared on the newsstands in the city of Washington and other parts of the country on Wednesday, June 1.

THE SPEAKER:⁽¹⁰⁾ The Chair will say to the gentleman that it has never been the policy of the House to order any documents in the custody of a committee of the House to be brought into the House, unless the committee by its action has approved such a request. The gentleman certainly may examine those items between now and the time he makes his remarks on that subject. But the Chair has never known of a case where a clerk of any committee has been ordered to bring documents to the floor of the House without the prior approval of the committee in whose hands they are at that time.

Requests to Rerefer

§ 48.5 The Speaker has declined to recognize a chairman of a committee for a unanimous-consent request to rerefer a bill until the chairman of the other committee was consulted.

On Mar. 25, 1948,⁽¹¹⁾ the following took place:

10. Sam Rayburn (Tex.).

11. 94 CONG. REC. 3573, 80th Cong. 2d Sess.

9. 106 CONG. REC. 11820, 11821, 86th Cong. 2d Sess.

MRS. [EDITH NOURSE] ROGERS of Massachusetts: Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of the bill H.R. 5515 for the relief of Mr. and Mrs. Albert Chandler and that the same be re-referred to the Committee on the Judiciary.

THE SPEAKER:⁽¹²⁾ Has the gentleman conferred with the chairman of the Committee on the Judiciary?

MRS. ROGERS of Massachusetts: I have not, Mr. Speaker.

THE SPEAKER: It is customary to consult with the chairman of the committee to whom the bill is to be referred. No harm will come if this matter is delayed until Monday.

MRS. ROGERS of Massachusetts: I withdraw the request, Mr. Speaker.

Requests Affecting the Schedule of Legislative Business

§ 48.6 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments thereto, where such a request was made in the absence of the chairman of the committee involved and where Members had been informed there would be no further legislative business for that day.

On July 31, 1969,⁽¹³⁾ the Speaker, John W. McCormack, of Mas-

12. Joseph W. Martin, Jr. (Mass.).

13. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

sachusetts, recognized Mr. Hale Boggs, of Louisiana:

MR. BOGGS: Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9951), to provide for the collection of the Federal unemployment tax in quarterly installments during each taxable year; to make status of employer depend on employment during preceding as well as current taxable year; to exclude from the computation of the excess the balance in the employment security administration account as of the close of fiscal years 1970 through 1972; to raise the limitation on the amount authorized to be made available for expenditure out of the employment security administration account by the amounts so excluded; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

§ 48.7 The Speaker declined recognition for a unanimous-consent request to call up a House resolution after it had been announced that there would be no further legislative business for that day.

On Feb. 7, 1969,⁽¹⁴⁾ Mr. H. R. Gross, of Iowa, rose with a parliamentary inquiry:

14. 115 CONG. REC. 3268, 91st Cong. 1st Sess.

MR. GROSS: Mr. Speaker, since several House resolutions have been passed today by unanimous consent, my question to the distinguished Speaker is whether it would be in order at this time to call up House Resolution 133 disapproving the pay increase for certain officials and employees of the Federal Government?

THE SPEAKER:⁽¹⁵⁾ The Chair will state to the gentleman from Iowa that it has already been announced that there would be no legislative business today. Under those circumstances, and without determining the merits of the resolution, the Chair could recognize the gentleman. Yet the Chair in its discretion will not recognize the gentleman for that purpose.

Requests Relating to Private Bills

§ 48.8 The Chair may refuse to recognize a Member for a unanimous-consent request to address the House on a private bill being considered on the Private Calendar.

On May 7, 1935,⁽¹⁶⁾ the Clerk was calling up bills on the Private Calendar:

The Clerk called the next bill, S. 41, for the relief of the Germania Catering Co., Inc.

THE SPEAKER PRO TEMPORE:⁽¹⁷⁾ Is there objection to the present consideration of the bill?

15. John W. McCormack (Mass.).

16. 79 CONG. REC. 7100, 74th Cong. 1st Sess.

17. John J. O'Connor (N.Y.).

MR. [CHARLES V.] TRUAX [of Ohio]: Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

THE SPEAKER PRO TEMPORE: The Chair will not recognize the gentleman for that purpose.

§ 48.9 The Speaker declined to recognize a Member for a unanimous-consent request relating to a bill stricken from the Private Calendar until such time as the Member had consulted with the official objectors.

On Apr. 19, 1948,⁽¹⁸⁾ the Speaker, Joseph W. Martin, of Massachusetts, recognized Mr. Thomas J. Lane, of Massachusetts:

MR. LANE: Mr. Speaker, I ask unanimous consent that the bill H.R. 403 be restored to the Private Calendar.

THE SPEAKER: Has the gentleman consulted the objectors?

MR. LANE: No; I have not.

THE SPEAKER: The Chair cannot entertain the gentleman's request until he has done so.

Requests Relating to Consent Calendar

§ 48.10 On Consent Calendar days only eligible bills on the calendar are called, and the Speaker may in his discretion decline to recognize unanimous-consent requests

18. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

for consideration of bills which have not been on such calendar for three legislative days.

On May 6, 1946,⁽¹⁹⁾ Mr. Overton Brooks, of Louisiana, made the following request:

MR. BROOKS: Mr. Speaker, would it be in order to ask unanimous consent for the immediate consideration of the bill H.R. 2325, which is No. 419 on the Consent Calendar that was called today?

THE SPEAKER:⁽²⁰⁾ The Chair announced some time ago that since those known as the objectors had examined only the eligible bills on the Consent Calendar the Chair would not recognize Members to take up the remaining bills, unless they involved emergencies.

Revocation of Special Order

§ 48.11 The Speaker pro tempore declined to recognize a Member to ask unanimous consent for the revocation of a special order, previously agreed to, permitting the consideration of conference reports on the same day reported.

On Sept. 25, 1961,⁽¹⁾ Mr. H. R. Gross, of Iowa, sought recognition for a unanimous-consent request:

19. 92 CONG. REC. 4527, 79th Cong. 2d Sess.

20. Sam Rayburn (Tex.).

1. 107 CONG. REC. 21183, 21184, 87th Cong. 1st Sess.

MR. GROSS: Mr. Speaker, I have a unanimous-consent request to make concerning the procedure of the House. I ask unanimous consent that the action by which clause 2 of Rule XXVIII was suspended a week ago last Saturday be revoked, and that clause 2, Rule XXVIII of the Rules of the House of Representatives be restored. . . .

THE SPEAKER PRO TEMPORE:⁽²⁾ Under the circumstances the Chair declines to recognize the gentleman from Iowa to submit the request.

Requests to Address the House

§ 48.12 The Chair may refuse to recognize Members for unanimous-consent requests to address the House on future days prior to the completion of legislative business on the current day.

On June 14, 1935,⁽³⁾ Mr. Kent E. Keller, of Illinois, made the following request:

MR. KELLER: Mr. Speaker, I ask unanimous consent that on next Monday after the reading of the Journal and the completion of business on the Speaker's desk I may address the House for 15 minutes to answer an attack upon an amendment I proposed to the Constitution made in the Washington Times of June 12 by Mr. James P. Williams, Jr.

THE SPEAKER:⁽⁴⁾ Under the custom that prevails and the action of the

2. John W. McCormack (Mass.).

3. 79 CONG. REC. 9330, 74th Cong. 1st Sess.

4. Joseph W. Byrns (Tenn.).

Chair, heretofore, the Chair cannot recognize the gentleman today to make a speech on Monday. The Chair hopes the gentleman will defer his request.⁽⁵⁾

Requests Made After Previous Question Ordered

§ 48.13 When the Chairman of the Committee of the Whole reports a bill back to the House pursuant to a resolution providing that the previous question shall be considered as ordered, further debate or amendments in the House are thereby precluded; and the Speaker may decline to entertain unanimous-consent requests that further amendments be in order.

On Aug. 31, 1960,⁽⁶⁾ the Committee of the Whole House on the state of the Union having considered the bill S. 2917, to establish a price-support level for milk and butterfat, reported the bill back to the House.

THE SPEAKER:⁽⁷⁾ Under the rule the previous question is ordered.

The question is on the third reading of the Senate bill.

The bill was read a third time.

5. See also 79 CONG. REC. 3171, 3172, 74th Cong. 1st Sess., Mar. 7, 1935.

6. 104 CONG. REC. 18748, 86th Cong. 2d Sess.

7. Sam Rayburn (Tex.).

MR. [H. CARL] ANDERSEN of Minnesota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ANDERSEN of Minnesota: Would it be possible by unanimous consent to return to the amendment stage?

THE SPEAKER: It would not. The previous question has already been ordered. All amendments and all debate are exhausted.

§ 48.14 A yea and nay vote having been ordered the Chair may decline to entertain unanimous-consent requests.

On May 3, 1940,⁽⁸⁾ the House had just ordered the previous question on H.R. 5435, an amendment to the Fair Labor Standards Act of 1938.

THE SPEAKER PRO TEMPORE:⁽⁹⁾ . . . The question is on agreeing to the amendment.

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. . . .

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker——

THE SPEAKER PRO TEMPORE: For what purpose does the gentleman rise?

MR. CASE of South Dakota: To prefer a unanimous-consent request.

THE SPEAKER PRO TEMPORE: The yeas and nays have been ordered. The

8. 86 CONG. REC. 5499, 76th Cong. 3d Sess.

9. Sam Rayburn (Tex.).

Chair will not entertain a unanimous-consent request at this time.

Requests for the Correction of Section Numbers

§ 48.15 A unanimous-consent request that the Clerk of the House, in the engrossment of the bill, be instructed to correct section numbers is not in order in the Committee of the Whole, since such permission must be obtained in the House.

On Oct. 3, 1962,⁽¹⁰⁾ the Committee of the Whole was considering H.R. 13273, the rivers and harbors authorization bill of 1962, when a question arose as to the accuracy of the bill's section numbers:

MR. [JAMES C.] WRIGHT [of Texas]: Mr. Chairman, so as to avoid any possible confusion in the numbering of these sections, I ask unanimous consent that the Clerk of the House be instructed so to number these sections serially that they are all in proper sequence.

THE CHAIRMAN:⁽¹¹⁾ The gentleman's request will have to be made in the House.

10. 108 CONG. REC. 21884, 87th Cong. 2d Sess.

11. Frances E. Walter (Pa.).

Requests to Include Extraneous Matter in Remarks

§ 48.16 The House and not the Committee of the Whole has control over the Congressional Record and requests of Members to include in their remarks extraneous matters should be submitted in the House and not the Committee of the Whole.

On Apr. 14, 1937,⁽¹²⁾ the Committee of the Whole was considering H.R. 1668, to amend the Interstate Commerce Act.

MR. [WALTER M.] PIERCE [of Oregon]: Mr. Chairman, I ask unanimous consent that I may have the privilege of revising and extending my remarks and including therein such letters and telegrams as I have here denying or repudiating their appearance as proponents of the Pettengill bill.

THE CHAIRMAN:⁽¹³⁾ The Chair will remind the gentleman from Oregon that the request to extend his own remarks to include extraneous matter must be submitted in the House and not in Committee of the Whole.

12. 81 CONG. REC. 3463, 75th Cong. 1st Sess.

13. J. Mark Wilcox (Fla.).